



# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 FAX (831) 394-6421

## **REGULAR CITY COUNCIL MEETING AGENDA OF THE CITY OF DEL REY OAKS CITY COUNCIL TUESDAY, MARCH 26, 2024 AT 6:00 PM**

Del Rey Oaks City Hall is inviting you to an **IN-PERSON MEETING AT CITY HALL**

PLEASE NOTE THIS WILL BE LIVE STREAMED FOR VIEWING ONLY  
YOU WILL NOT BE ABLE TO MAKE PUBLIC COMMENTS ON ZOOM

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/83289473424>

- 1. ROLL CALL - Council**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PUBLIC COMMENTS:** General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Agenda. Anyone wishing to address the City Council on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered. There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this item and all comments will be referred to staff.
- 4. PROCLAMATION:**
  - A.** Honoring Monterey Peninsula Chamber of Commerce Business of the Year 2023 Award
  - B.** Honoring March as Women's History Month
- 5. PRESENTATION:**
  - A.** California-American Water                      Josh Stratton
- 6. CONSENT AGENDA:**
  - A. MINUTES: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**
    - 1.** February 24, 2024, Regular City Council Meeting Minutes
    - 2.** February 14, 2024, Regular Planning Commission Meeting Minutes

**B. MONTHLY REPORTS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

1. Financials February 2023 - February 2024
2. Fire Department Response Report, February 2024
3. Police Activity Report, February 2024

**C. MISCELLANEOUS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

1. Approve Second Reading of Ordinance #318 Regulating Smoking in Multi-Unit Residences
2. Consider approval of Resolution 2024-01 for Submittal of the Annual Progress Report (APR) to the Office of Planning and Research (OPR) and the Office of Housing and Community Development (HCD)
3. Approve a Reimbursement Agreement with Monterey Peninsula Properties and a Proposal from Denise Duffy & Associates to Contract for Environmental Review on the Former Fort Ord
4. Authorize the Mayor to Sign a letter opposing Initiative 21-0042A1, also known as the California Business Roundtable "Taxpayer Protection and Government Accountability Act"
5. Authorize City Manager to Sign Three (3) Year Contract with Chavan and Associates, LLP, Certified Public Accountants

**7. OLD BUSINESS:**

- A. Housing Element Update (6th Cycle)-Denise Duffy and Associates
- B. Carried Over Item from February 27, 2024, City Council Meeting:  
Appeal of Building Official Findings for Tenant Improvement Application at 121 Calle Del Oaks

**8. NEW BUSINESS:** None

**9. STAFF REPORTS:**

- A. Council Reports
- B. City Manager Report

**10. CORRESPONDENCE:**

- A. Mosquito Abatement District Highlights
- B. MST Highlights
- C. Letter of Appreciation

D. TAMC Highlights

E. Monterey County Veterans Issues Advisory Committee Update

**11. NEXT MEETING DATE: April 23, 2024 at 6:00pm**

**12. ADJOURNMENT**

***Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for- this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks.***



# CITY OF DEL REY OAKS

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PHONE (831) 394-8511 FAX (831) 394-6421

## PROCLAMATION

### The City of Del Rey Oaks City Council

### Honoring Monterey Bay F.C. upon its selection as the recipient of the 2023 Monterey Peninsula Chamber of Commerce Business of the Year Award.

**WHEREAS**, Monterey Bay F.C. is a professional men's soccer team founded in February 2021, with a stadium at Cal State Monterey Bay; and is a member of the USL Championship, the second tier of the American soccer league system; and

**WHEREAS**, Monterey Bay F.C. represents both people and place and embodies all that is the wonder, beauty, magic and diversity of Monterey Bay; and

**WHEREAS**, Monterey Bay F.C. is committed to elevating the world's game in a region that has long embraced soccer. The matches on the campus of Cal State Monterey Bay are a place to gather as a community; and

**WHEREAS**, Monterey Bay F.C.'s official colors are Crisp Blue, Kelp Blue and White, and they are known as the Crisp-and-Kelp.

**NOW, THEREFORE BE IT RESOLVED**, that I, the Mayor of Del Rey Oaks, on behalf of the Del Rey Oaks City Council and its citizens thereof, hereby congratulates **Monterey Bay F.C.** upon its selection as the recipient of the **2023 Monterey Peninsula Chamber of Commerce Business of the Year Award**.

Signed this 26<sup>th</sup> day of March 2024

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Scott Donaldson, Mayor



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PHONE (831) 394-8511 FAX (831) 394-6421

## PROCLAMATION

### The City of Del Rey Oaks City Council Celebrating March 2024 Women's History Month

**WHEREAS**, March is National Women's History Month; and

**WHEREAS**, we recognize the invaluable contributions of women who have dedicated themselves to advocating for equity, diversity, and inclusion in all aspects of society; and

**WHEREAS** women from diverse backgrounds have long been at the forefront of efforts to address systemic inequities and promote a more inclusive and just society; and

**WHEREAS** the courageous advocacy of women for practical goals such as equity, diversity, and inclusion serves as a beacon of inspiration for all individuals and communities; and

**WHEREAS**, in 2024, we honor the women who have tirelessly worked to dismantle barriers, challenge prejudices, and create opportunities for all individuals, regardless of their background and attacks against Diversity, Equity, and Inclusions programs and training in our institutions;

**NOW, THEREFORE BE IT RESOLVED**, that I, Mayor Scott Donaldson, do hereby proclaim March 2024 as Women's History Month in The City of Del Rey Oaks; and

**BE IT FURTHER RESOLVED THAT**, we encourage our communities to celebrate the achievements of women who have championed equity, diversity, and inclusion, and reaffirm our commitment to advancing these principles in our society. Let us honor the women who have dedicated themselves to advocating for equity, diversity, and inclusion, and let us continue to work together to build a more just, equitable, and inclusive world.

**Signed this 26<sup>th</sup> day of March 2024**

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**Scott Donaldson, Mayor**

# **City of Del Rey Oaks**

**City Hall  
650 Canyon Del Rey Blvd  
Del Rey Oaks, CA 93940**



## **Action Minutes**

**Tuesday February 27, 2024 - 6:00 PM**

**City Council – Regular Meeting**

### **Del Rey Oaks City Council**

**Scott Donaldson – Mayor**

**John Uy – Vice Mayor**

**Jeremy Hallock – Councilmember**

**Kim Shirley – Councilmember**

**Bill Ragsdale-Cronin - Councilmember**

**6:00 PM – Called to Order:**

The meeting was called to order by Mayor Donaldson.

**Roll Call:**

**Present:** Mayor Donaldson, Councilmember Uy, Councilmember Shirley, Councilmember Hallock, and Councilmember Ragsdale-Cronin.

**Absent:** None

**Also Present:** City Manager Guertin, City Attorney Lorca, City Clerk Minami and Police Chief Bourquin

**Pledge of Allegiance:**

Mayor Donaldson led the Pledge of Allegiance

**Public Comment:**

**Gary Kreeger:** Thanks to the Mayor, Ron Fucci and the Police Department for everything they did during the storm with the swaying PG&E pole at his house.

**Carol Kaplan:** No action yet by City Council regarding the Surplus Land Act letter.

**Proclamation: Mayor Donaldson reads Celebrating Black History Month Proclamation****CONSENT AGENDA:        *Action Items*****A. MINUTES: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

1. January 23, 2024, Regular City Council Meeting Minutes
2. December 13, 2023, Regular Planning Commission Meeting Minutes

**B. MONTHLY REPORTS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

1. Financials January 2023 – January 2024
2. Fire Department Response Report, January 2024
3. Police Activity Report, January 2024

**C. MISCELLANEOUS: (CEQA: as to all, not a project per Guidelines Article 20, Section 15378)**

1. Authorize City Manager to release Community Tree Service from any responsibility and approve award of contract to Julian Tree Care for Cal Fire Grant project

A motion was made by **Council Member Ragsdale-Cronin**, seconded by **Council Member Uy** to approve the Consent Agenda as presented.

**Motion passed unanimously 5-0**

**PUBLIC COMMENT:**

None

**OLD BUSINESS:**

**A. Carried Over Item from January 23, 2024, City Council Meeting:**

**Appeal of Building Official Determination Regarding Square Footage Calculations at 121 Calle Del Oaks**

A motion was made by **Council Member Ragsdale-Cronin**, seconded by **Vice Mayor Uy** to continue public hearing until the March meeting.

A motion was made by **Council Member Shirley**, seconded by **Council Member Uy** to approve the continuance of this item to March 26, 2024 Regular City Council Meeting.

**Motion passed unanimously 4-1 (Hallock Abstained)**

**NEW BUSINESS:**

**A. Approve First Reading of Ordinance Regulating Smoking in Multi-Unit Residences**

**City Manager Guertin** reviews staff report for item and explains it's the first reading.

**Council Member Hallock:** Thanks Council Member Shirley

**Council Member Shirley:** Thanks Council Member Hallock and City Manager Guertin.

Received a letter of support from the Blue Zone.

**Council Member Ragsdale-Cronin:** Glad we are doing it but doesn't want the PD to be called and involved with complaints. Hope the Oaks works it out internally.

**Mayor Donaldson:** Echo's all comments, especially not calling the PD for enforcement.

**PUBLIC COMMENTS:**

**Helen Birdsong:** Should be easy transition, thanks everyone.

**Oaks Resident:** Has asthma and thanks all.

**Gonzalo from Monterey County:** Call County and not the PD, they will help out.

**City Manager Guertin:** Takes effect May 1<sup>st</sup> for new residents and Oct 1<sup>st</sup> for existing residents.

A motion was made by **Council Member Hallock**, seconded by **Council Member Shirley** to approve the 1<sup>st</sup> reading of Ordinance 318.

**Motion passed unanimously 5-0.**

**B. Approve Mid-Year FY 2023-24 Budget Recommendation**

**City Manager Guertin:** introduced Elizabeth Mariano with RGS.

**Elizabeth Mariano:** shares her screen to review the status of the city and the recommended changes at mid year.



**Council Member Uy:** Thanks all.

**Council Member Hallock:** This is great.

**Council Member Shirley:** What about grant wiring and strategic planning cost?

**City Manager Guertin:** Not for grant writing this year, that will go towards Sherman Lows time on the grants that we have been awarded. Strategic Planning will hopefully happen this year, even if the city has to facilitate it.

**Council Member Ragsdale-Cronin:** Thanks all.

**Mayor Donaldson:** Taxes are holding steady. Glad that the City Manager is keeping legal fees down this year. Still have delinquent cannabis taxes.

**PUBLIC COMMENT:**

**Gary Kreeger:** Vacancy tax is needed.

**Mike Hayworth:** Great job, let's get used to it!

A motion was made by **Council Member Uy**, seconded by **Council Member Ragsdale-Cronin** to approve Mid-Year FY 2023-24 Budget Recommendations

**Motion passed unanimously 5-0.**

- C.** Receive Information and Provide Direction Regarding Placing a Measure on the November 2024 General Election Ballot to Increase the City's Transient Occupancy Tax by Two Percentage Points

**City Manager Guertin:** Explains how TOT works in Del Rey Oaks and how it is different because we don't have a conference center and hotel to worry about right now. Reviews the surrounding cities tax rates. The process of putting this on the November ballot, 50% plus 1 is needed. Much needed boost. Potential \$40,0000 if raised from 10% to 12%.

**Council Member Hallock:** A lot to offer in Del Rey Oaks, wants to encourage a higher increase.

**Council Member Shirley:** Any potential push back from increase?

**Council Member Ragsdale-Cronin:** Need to take a bite at the apple, maybe 14% or 15% increase.

**Mayor Donaldson:** All of our neighbors at 12%, believes we can go higher. Asks the City Manager to speak with other City Managers about it. Good to do it only once, because of the election cost.

**PUBLIC COMMENT:**

**Ann Ahmadi:** Homeowners of STR's won't care. Be careful of wording on ballot.

**Gary Kreeger:** Location is important, supports an increase.

**Mike Hayworth:** Time to do 14%.

**PUBLIC COMMENT CLOSES**

**Council Member Uy:** Just have it on ballot once and go to 15%, others will follow.

**Council Member Hallock:** Feasible to go up to 15%

**Council Member Shirley:** Cost of election? Asks City Manager to talk to other cities.

**Council Member Ragsdale-Cronin:** We will hear about it, if someone doesn't like it.

**Mayor Donaldson:** Great feedback. Thanks all.

**City Manager Guertin:** There are cupcakes from Council Member Ragsdale-Cronin because of the 5<sup>th</sup> cycle Housing Element. Letter regarding 6<sup>th</sup> Housing Element only 6 pages.

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**NEXT MEETING DATE:** Tuesday, March 26, 2024 at 6:00pm

**ADJOURNMENT** 7:15pm

**Attest:**

**Date:**

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# **City of Del Rey Oaks**

**City Hall  
650 Canyon Del Rey Blvd  
Del Rey Oaks, CA 93940**



## **Action Minutes**

**Wednesday, February 14, 2024 - 6:00 PM**

**Planning Commission – Regular Meeting**

### **Del Rey Oaks Planning Commission**

**Mike Hayworth – Chair**

**Denise Wood – Vice Chair**

**George Jaksha – Commissioner**

**Gary Kreeger – Commissioner**

**Louise Goetzelt - Commissioner**

**Ann Ahmadi – Commissioner**

**Celine Pinet - Commissioner**

**6:00PM – Called to Order:**

The meeting was called to order by Chair Hayworth.

**Roll Call:**

**Present:** Chair Hayworth, Vice Chair Wood, Commissioner Jaksha, Commissioner Goetzelt, Commissioner Kreeger, Commissioner Pinet and Commissioner Ahmadi

**Staff Present:**

City Manager Guertin and City Clerk Minami

**Pledge of Allegiance:**

Chair Hayworth led the Pledge of Allegiance.

**Consent Agenda:****A. Adopt December 12, 2023, Planning Commission Meeting Minutes**

A motion to approve was made by Commissioner Goetzelt and seconded by Commissioner Kreeger. Minutes were approved 7-0

**Public Comment:**

None

**Reports:**

The November Building Activity Report was accepted unanimously. City Clerk Minami mentioned error found after publication of packet.

**Old Business:**

None

**New Business:**

<b>Applicant's Name:</b>	Vincent Machi
<b>Owner's Name:</b>	Vincent Machi
<b>File Number:</b>	ARC #24-01
<b>Site Location:</b>	985 Rosita Rd
<b>Planning Area:</b>	APN #012-544-011
<b>CEQA Determination:</b>	Categorically Exempt pursuant to Guidelines § 15061(c) and 15301

**Project Description:** Requesting Architectural Review to add a 143 square foot addition to the rear of the single family dwelling.

**Recommended Action:** Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

**Vice Chair Wood** steps down from dais, due to proximity of her home to the project.

Applicant explains the project and answered questions from the Commissioners

**Commissioner Kreeger makes Motion to Approve ARC #24-01 as presented, Commissioner Jaksha seconds the motion.**

**Passes 6-0**

**Public Comment:**

None

**Announcements:**

**Commission Kreeger: Earth Day and the Ice Cream Social April 20, 2024**

**Commissioner Pinet: Lots of reading and research**

**Commissioner Ahmadi: Looking forward to conference in March**

**Next Meeting:**

Wednesday, March13, 2024 at 6pm

**Adjournment:**

6:20pm

All enclosures and materials regarding this agenda are available for public review at Del Rey Oaks City Hall. Information distributed to the Planning Commission at the meeting becomes part of the public Record. A copy of written material, pictures, etc. should be provided to the Secretary for this purpose.



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PHONE (831) 394-8511 FAX (831) 394-6421

## Staff Report

**DATE:** March 26, 2024

**TO:** Honorable Mayor and Members of the City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Receive February 2024 Financial Reports

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Consideration

Receive financial reports for the month of February 2024.

### Background

The City Council routinely receives financial reports for the previous month.

### Summary & Discussion

Attached are the February 2024 financial reports.

- February 2024 Cash Balances – The report shows where the City’s funds are invested. The City continue to have a healthy cash balance \$13,188,964 of which \$4,514,965 are unrestricted.
- February 2024 Checks Issued Register –This is a listing of all the payments issued during the month. The total checks issued of \$259,703.18.
- February 2024 General Fund Summary – This is a one-page summary of the General Fund summarized as follows:

	February 2024 Actual	February 2024 YTD Actual	% Collected /Spent
Revenue	\$ 292,766	\$ 3,345,731	68%
Expenditures	252,518	2,884,393	61%
Net Operating Surplus	\$ 40,248	\$ 461,338	

At 67% of the year (8 months) the revenues are slightly higher at 68% due to the receipt of Property Taxes in December and the expenditures are at 61% of the budget. For the month

of February 2024, General Fund shows a net operating surplus of \$40,248 and a year-to-date operating surplus in the amount of \$461,338.

- February 2024 YTD Budget v. Actual Detail – This report shows the line-item detail for all revenues and expenditures by fund and department summarized as follows:

	FY 2024 Current Budget	February 2024 Actual	February 2024 YTD Actual	% Collected /Spent
<b>REVENUE:</b>				
000 Non Departmental	\$ 3,522,700	\$ 182,309	\$2,572,532	73%
210 Airport Police Services	1,376,500	110,457	773,199	56%
	4,899,200	292,766	3,345,731	68%
<b>EXPENDITURES:</b>				
110 Council	\$ 32,200	\$ 2,763	\$ 13,924	43%
111 City Clerk	455,470	18,442	252,000	55%
120 City Manager	318,300	18,359	205,863	65%
130 Finance	303,852	44,177	219,293	72%
150 Legal	153,300	8,034	58,479	38%
160 Planning & Building Regulation	122,400	39,564	111,430	91%
180 Government Buildings	19,100	359	2,613	14%
190 Non-Departmental	42,700	180	50,192	118%
210 Police	2,667,800	107,050	1,662,827	62%
220 Fire/Animal Control	227,600	-	113,757	50%
311 Public Works/Streets	340,830	13,311	166,133	49%
411 Parks/Recreation	43,500	279	27,882	64%
	4,727,052	252,518	2,884,393	61%
Transfers to CIP	198,900	-	-	0%
Total	\$ 4,925,952	\$ 252,518	\$2,884,393	

The following departments are above the 68%:

Finance at 72%: The audit charges were paid in full for the services provided for the FY 2023 audit.

Planning& Building Regulation at 91%: The invoices from Denise Duffy & Associates for the period June-September 2023 were paid this month. Neill Engineers Corp invoices from April 2023 through December 2023 were also paid this month.

Non-Departmental at 118%: The first and second installment from MBSIA for liability, property and workers comp insurances are paid in full. Most of the annual membership dues were also paid.

Final review will be completed at fiscal year end and necessary budget adjustments will be made.

### Fiscal Impacts

None. This is informational only.

### Recommendation

Staff recommends receiving the reports.

**ATTACHMENTS:**

- February 2024 Cash and Investment
- February 2024 Checks Register
- February 2024 General Fund Summary
- February 2024 YTD Budget v. Actual Detail

Respectfully Submitted,

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John Guertin  
City Manager



**City of Del Rey Oaks**  
**Summary of Cash & Investments**  
**As of February 29, 2024**

Accounts

Unrestricted

General Checking	\$ 592,761.18	
Local Agency Investment Fund		
Reserve for Economic Uncertainties	1,652,182.00	4.122%
Unappropriated Funds	2,270,021.64	4.122%
Total Unrestricted	<u>4,514,964.82</u>	

Restricted

PARS-115 Trust Fund	338,955.96	
Dev - Monterey Peninsula Partner	9,062.62	
Fidelity Title Escrow Acct - GJM/SBR Intersection	1,056,168.00	
Fidelity Title Escrow Acct - SBR Construction	7,269,813.00	
Total Restricted	<u>8,673,999.58</u>	

<b>Total Cash and Investments</b>	<b><u>\$ 13,188,964.40</u></b>	
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**City of Del Rey Oaks**  
**Check/Voucher Register**  
**From 02/01/2024 Through 02/29/2024**

Check Number	Payee	Transaction Description	Check Amount
21865	ABILA	#1050-1000209714 - Annual Accounting Suscription 02-12-24 to 02-11-	4,152.39
21866	CALIFORNIA-AMERICAN WATER	Acct #1015-210018796550 Service Period 12-21-23 to 01-22-24	40.42
	CALIFORNIA-AMERICAN WATER	Acct #1015-210018799016 Service Period12-21-23 to 01-22-24	40.42
	CALIFORNIA-AMERICAN WATER	Acct #1015-210018869991 Service Period 12-21-23 to 01-22-24	167.75
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021092445 Service Period 12-21-23 to 01-22-24	36.21
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021255352 Service Period 12-20-23 to 01-19-24	35.98
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021327653 Service Period 12-21-23 to 01-22-24	129.24
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021396208 Service Period 12-21-23 to 01-22-24	44.62
	CALIFORNIA-AMERICAN WATER	Acct #1015-210021397607 Service Period 12-21-23 to 01-22-24	117.23
21867	DENISE DUFFY & ASSOCIATES	#8808 - July 2023 Planning & Consulting Service	3,435.00
	DENISE DUFFY & ASSOCIATES	#8810 July 2023 Task# 779-B Planning & Consulting Services	121.00
	DENISE DUFFY & ASSOCIATES	#8966 - July 2023 Task# 772-Planning & Consulting Services	6,470.50
	DENISE DUFFY & ASSOCIATES	#8967 - August 2023 Task# 783 Planning & Consulting Services	60.50
	DENISE DUFFY & ASSOCIATES	#8968 - August 2023 Task#776 Planning & Consulting Services	6,878.50
	DENISE DUFFY & ASSOCIATES	Inv #8807 - July 2023 Ft Ord Task# 772	2,178.00
	DENISE DUFFY & ASSOCIATES	#8971 - August 2023 Task# 782 Constract Services	484.50
	DENISE DUFFY & ASSOCIATES	#8965 - August 2023 Task 779-C HE 6th	18,070.00
	DENISE DUFFY & ASSOCIATES	8704 - July 2023 - Task 779-C HE 6th Cycle	77,380.00
21868	GLOBALSTAR USA	Acct #AC00115154 Wireless Service Period 01-16-24 to 02-15-24	133.41
21869	G.P.S. SOLUTIONS	#77 January 2024 - Building Permits, Inspections	5,443.65
21870	JAMES DE CHALK	Inv #374818 January 2024 - Janitorial Service	500.00
21871	MONTEREY BAY TECHNOLOGIES, INC.	246020 - February 2024 IT Services	1,800.00
	MONTEREY BAY TECHNOLOGIES, INC.	ESET EndPoint Protection-Antivirus Period of 01-05-24 to 01-04-25	809.00
21872	MONTEREY TIRE SERVICE	Inv 1-116453 - New Tires & Balance, Disposal Fee	553.81
21873	ODP Business Solutions, LLC	Inv #346522458001 Supplies	196.33
	ODP Business Solutions, LLC	Inv #347615328001 Office Supplies	64.65
21874	PRECISION ALARMS AND AUTOMATION, INC.	January 2024 - Fire Alarm Systems Monitoring	170.00
21875	PROAC LEGAL DEFENSE FUND	Assn ID 3163 - December 2023 Legal Defense Dues	104.00
21876	US Bank Equipment Finance	Contract #0687291 - February 2024 - Konica Minolta Copier	135.64
21877	Verizon	Acct #342533778-001 Mobile Service Period 12-24-23 to 01-23-24	80.02
21878	VSP	ID #30004100 - February 2024 Vision Plan	261.27
21879	Leigh Fitz	Fitz L. Final Check	1,763.66
21880	AFLAC	Acct #QAE62 Jan 2024 Monthly Premium	381.70
21881	ANDRES FLORES	460768 Lights repair	250.00
21882	AT&T MOBILITY	Acct #287290891231 Mobile Service Period 02-03-24 to 03-03-24	614.17
	AT&T MOBILITY	Acct #287304221758 Mobile Service Period 02-03-24 to 03-03-24	40.24
21883	Better Earth Inc	Permit #B2313-821 Altura PI - Permit Cancellation - Refund	180.00
21884	BRIAN PEREZ	Conference 02-09-2024	422.75
21885	Cal Fire - Dept of Forestry	NOV 2023 - Crew Work	681.24
	Cal Fire - Dept of Forestry	OCT 2023 Crew Work	1,454.16
21886	CHAVAN AND ASSOCIATES, LLP	C&A18152 - FY 22/23 Audit SCO & AUP	7,000.00
	CHAVAN AND ASSOCIATES, LLP	FY 2022/23 City Audit & Measure X	14,450.00
21887	CoPower	ID #145153 MAR 2024 Dental Plan	2,177.32
21888	COMCAST BUSINESS	Acct #8155100280008479 Service Period 02-10-24 to 03-09-24	368.13
21889	CORELOGIC SOLUTIONS, LLC.	Inv #30705133 JAN 2024 Data Research	171.00
21890	Dalila Ramirez	Park Rental Calcellation Refund	250.00
21891	DENISE DUFFY & ASSOCIATES	SEPT 2023 - MPE Task 783 Planning Services	350.00
	DENISE DUFFY & ASSOCIATES	SEPT 2023 - Task #772 Planning Services	3,506.00
	DENISE DUFFY & ASSOCIATES	SEPT 2023 -Task #776 Planning Services	4,884.50
	DENISE DUFFY & ASSOCIATES	SEPT 2023 - Task 779-C Housing Element 6th C	10,250.00
21892	ECONOMIC&PLANNING SYSTEMS, INC.	JAN 2024 - Planning Services	6,236.25
21893	Enza Sanchez	West BBQ/Park Cancellation Refund	50.00
21894	Evident, Inc	Cust #66872 - Evidence Supplies	1,730.88

**City of Del Rey Oaks**  
**Check/Voucher Register**  
**From 02/01/2024 Through 02/29/2024**

Item 1.

Check Number	Payee	Transaction Description	Check Amount
21895	FENTON & KELLER	Jan 2024 - Professional Services	7,117.50
	FENTON & KELLER	JAN 2024 - Professional Services -PRA	390.00
21896	Hana Gardens Seaside	#220000222386 Supplies	29.58
21897	ID Concepts	#24119 Office Supplies	122.30
21898	I.D. CHECKING GUIDE	#826638 ID Checking Guides Manual	56.81
21899	LEAGUE OF CALIFORNIA CITIES	Inv #8313 - 2024 Membership Dues	300.00
21900	MBS BUSINESS SYSTEMS, INC.	Acct #3948511 - Meter Service Period 11-07-23 to 02-06-24	174.61
21901	Monterey County, Environmental Health	LUC MOA FY23/24 #3	12.08
21902	MONTEREY COUNTY WEEKLY CLASSIFIEDS	#109-060200-00001 Legal Notice	263.25
	MONTEREY COUNTY WEEKLY CLASSIFIEDS	Acct #060200-00001 Legal Notice	263.25
21903	MONTEREY CTY MAYOR'S ASSN	2024 Annual Dues	1,575.83
21904	MONTEREY ONE WATER	09-000306 Service Period 01-01-24 to 02-29-24	81.02
21905	MP EXPRESS	#73312 Office Supplies	825.85
21906	Napa Auto Parts	4006-037102 - Auto Parts	196.55
21907	ODP Business Solutions, LLC	Acct #29696772 Office Supplies	59.08
	ODP Business Solutions, LLC	Acct #29696772 - Office Supplies	61.16
21908	PG&E	6817283169-2 Service Period 01-12-24 to 02-12-24	85.70
	PG&E	Acct #4283033409-2 Service Period 12-21-23 to 01-22-24	2,859.99
21909	PURE WATER	428715 Supplies	74.75
21910	REGIONAL GOVERNMENT SERVICES	#16279 JAN 2024 Accounting Services	21,874.68
21911	Stericycle, Inc.	Cust #1000110277 JAN 2024	172.09
21912	T-Mobile USA Inc. Law Enforcement Finance	#9548103915 - GPS Locate/Timing Advance	25.00
21913	TERMINIX, INC.	Acct #6099531 - January 2024 Pest Control	109.00
21914	THE MAYNARD GROUP, INC.	Acct #AC3744 - January 2024 Telephon Service Period	67.00
21915	US Bank Equipment Finance	Acct #500-0673430 - FEB 2024 Konica Copier	397.84
21916	US Treasury	Agreement #N00164LE0950-23 Service Period 11-16-23 to 11-16-24	300.00
21917	NORTH BAY PENSIONS	FY 2023 GASB 68	1,200.00
021624-1	PERS	PERS 3100 Contribution Retirement 01/27-02/09/24 -Plan 1364	592.43
	PERS	PERS 3100 Contribution Retirement 01/27-02/09/24 -Plan 25623	3,836.21
	PERS	PERS 3100 Contribution Retirement 01/27-02/09/24 -Plan 26934	1,924.72
	PERS	PERS 3100 Contribution Retirement 01/27-02/09/24 -Plan 1365	4,059.41
022924-0	PERS	PERS 3100 Contribution Retirement 02/10-02/23/24 -Plan 26934	1,618.43
	PERS	PERS 3100 Contribution Retirement 02/10-02/23/24 -Plan 1364	592.43
	PERS	PERS 3100 Contribution Retirement 02/10-02/23/24 -Plan 25623	3,830.42
	PERS	PERS 3100 Contribution Retirement 02/10-02/23/24 -Plan 1365	4,353.99
PERS 020224	PERS	CalPERS 1900 457 (02/02/24) Contribution 02/15/2024	2,300.00
	PERS	PERS 3100 Contribution Retirement 01/13-01/26/24 -Plan 1364	621.33
	PERS	PERS 3100 Contribution Retirement 01/13-01/26/24 -Plan 25623	3,846.01
	PERS	PERS 3100 Contribution Retirement 01/13-01/26/24 -Plan 26934	1,942.46
	PERS	PERS 3100 Contribution Retirement 01/13-01/26/24 -Plan 1365	4,184.38

Report Total

**259,703.18**

City of Del Rey Oaks  
**Statement of Revenues and Expenditures-General Fund Summary**  
**100 - General Fund**

From 2/1/2024 Through 2/29/2024

	FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Spent
Revenue				
Property Taxes	770,100.00	0.00	455,472.24	59.14%
Sales Tax	1,313,000.00	116,567.68	935,846.21	71.27%
Other Taxes	500,650.00	18,015.87	372,750.25	74.45%
Licenses and Permits	286,300.00	8,524.77	263,260.47	91.95%
Fines and Forfeitures	12,200.00	435.61	10,311.44	84.52%
Other Revenue	125,700.00	1,987.78	123,094.04	97.92%
Grants	303,850.00	19,000.78	237,531.89	78.17%
Airport Police Services	1,376,500.00	110,457.00	773,199.00	56.17%
Current Services	229,200.00	17,776.85	174,265.62	76.03%
Total Revenue	<u>4,917,500.00</u>	<u>292,766.34</u>	<u>3,345,731.16</u>	<u>68.04%</u>
Expenditures				
Council	32,200.00	2,763.42	13,923.57	43.24%
City Clerk	455,470.00	18,441.86	251,999.85	55.32%
City Manager	318,300.00	18,358.96	205,863.27	64.67%
Audit/Treasurer	303,852.39	44,177.07	219,292.78	72.17%
Legal	153,300.00	8,034.00	58,478.88	38.14%
Planning & Building Regulation	122,400.00	39,563.90	111,429.95	91.03%
Government Buildings	19,100.00	359.00	2,613.01	13.68%
Non-Departmental	42,700.00	180.00	50,191.77	117.54%
Police	2,667,800.00	107,050.54	1,662,826.88	62.32%
Fire/Animal Control	227,600.00	0.00	113,757.50	49.98%
Public Works/Streets	340,830.00	13,310.82	166,133.28	48.74%
Parks/Recreation	43,500.00	278.90	27,882.14	64.09%
Total Expenditures	<u>4,727,052.39</u>	<u>252,518.47</u>	<u>2,884,392.88</u>	<u>61.02%</u>
Net Revenues	190,447.61	40,247.87	461,338.28	
Other Financing Sources and Uses				
Uses				
Transfers Out to CIP	<u>(198,900.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Uses	<u>(198,900.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Other Financing Sources and Uses	<u>(198,900.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Net Revenues After Other Financing Sources and Uses	(8,452.39)	40,247.87	461,338.28	

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
P/T-Secured	41110	531,000.00	0.00	313,327.40	59.00%
P/T-Unsecured	41120	26,900.00	0.00	26,962.16	100.23%
P/T-Prior Secured	41130	6,100.00	0.00	6,028.38	98.82%
Prior Unsecured	41140	100.00	0.00	0.00	0.00%
P/T-Unitary Tax	41150	10,000.00	0.00	5,981.99	59.81%
P/T-Supplemental Roll (SB813)	41160	12,200.00	0.00	7,379.20	60.48%
Property Tax - VLF	41170	183,000.00	0.00	95,158.50	51.99%
Prop Tax-Interest/Penalty	41180	800.00	0.00	634.61	79.32%
Sales Tax	42210	470,000.00	37,055.35	304,537.26	64.79%
Sales Tax - 145 (Measure S-1%)	42220	562,000.00	54,798.56	447,945.18	79.70%
Sales Tax -409 (Measure R 1/2%)	42221	281,000.00	24,713.77	183,363.77	65.25%
Cannabis Tax	42222	99,000.00	7,046.57	83,162.89	84.00%
Cannabis Tax-Delinquent	42223	10,000.00	0.00	4,000.00	40.00%
Transient Occupancy Tax	42230	190,000.00	4,709.77	159,662.46	84.03%
Property Transfer Tax	42250	8,150.00	0.00	8,677.08	106.46%
Sewer Impact	42290	15,000.00	0.00	21,650.14	144.33%
Business Licenses	42310	210,000.00	431.00	212,388.04	101.13%
Gas Franchises	42761	8,000.00	0.00	0.00	0.00%
Electric Franchises	42762	21,500.00	0.00	0.00	0.00%
Garbage Franchises	42763	100,000.00	0.00	76,885.13	76.88%
Cable Tv Franchises	42764	26,000.00	6,259.53	18,712.55	71.97%
Water Franchises	42765	23,000.00	0.00	0.00	0.00%
SB1186 Disability Access Fund	43311	1,000.00	24.00	438.00	43.80%
SB1473 Environmental Assessment Fee	43312	100.00	12.00	83.80	83.80%
Building Permits	43320	40,000.00	5,722.63	30,664.45	76.66%
Cannabis Business Permit	43325	10,000.00	0.00	0.00	0.00%
Plan Check Fees	43330	17,000.00	1,734.14	14,424.18	84.84%
Street Opening Permits Fees	43340	5,000.00	500.00	3,700.00	74.00%
Plumbing Permits	43350	1,600.00	125.00	1,500.00	93.75%
Electrical Permits	43360	1,600.00	0.00	500.00	31.25%
Other Licenses/Permits	43390	1,000.00	0.00	0.00	0.00%
Fines & Forfeitures	45000	1,700.00	73.61	1,525.44	89.73%
Vehicle Code Fines	45510	3,500.00	250.00	1,714.00	48.97%
Parking and Admin Fines	45512	7,000.00	112.00	7,072.00	101.02%
Interest Earned	46100	120,000.00	0.00	103,695.91	86.41%
Interest Earned-PARS	46101	2,500.00	0.00	16,027.93	641.11%
Rental Income - Garden Center	46815	36,000.00	3,000.00	24,000.00	66.66%
Rental Income - Airport RV	46816	35,000.00	4,092.00	31,501.47	90.00%
Rental Income - PW Bldg (CHC Enterprise)	46817	24,000.00	0.00	10,000.00	41.66%
HOPTR	47130	1,200.00	0.00	309.19	25.76%
Vehicle License Collection	47140	0.00	1,963.78	1,963.78	0.00%
COPS	47240	165,200.00	16,666.66	161,158.97	97.55%
AMBAG REAP Grant - Housing Element	47241	20,980.00	0.00	20,980.25	100.00%
HCD LEAP Grant - Housing Element	47242	18,300.00	0.00	18,226.50	99.59%
SB1383 Organics Recycling	47243	9,000.00	0.00	4,957.78	55.08%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Prop 172	47750	25,000.00	1,430.99	12,168.61	48.67%
Wellness Program	47760	7,500.00	0.00	7,500.00	100.00%
Police Grants & Other Reimbursements	47780	6,250.00	0.00	5,982.87	95.72%
POST Reimbursements	47781	5,500.00	903.13	6,556.91	119.21%
DEA Reimbursements	47782	22,000.00	0.00	0.00	0.00%
Grant Other Agencies	47783	5,820.00	0.00	0.00	0.00%
Police Service Fees	48210	1,000.00	75.00	982.00	98.20%
Police Services-Special Events	48211	48,000.00	0.00	17,687.50	36.84%
Public Events	48212	7,500.00	0.00	7,500.00	100.00%
Use Permits	48805	20,000.00	4,200.00	20,940.89	104.70%
Maps/Publications	48810	100.00	0.00	0.00	0.00%
Property Inspections	48825	4,500.00	0.00	1,250.00	27.77%
Miscellaneous Revenue	48840	50,000.00	6,459.85	57,054.54	114.10%
Rental - Park	48910	3,100.00	(50.00)	3,349.22	108.03%
Miscellaneous Refunds	48930	1,000.00	0.00	659.23	65.92%
Total Non Department Specific		3,522,700.00	182,309.34	2,572,532.16	73.03%
Police	210				
Airport Police Services	48220	1,376,500.00	110,457.00	773,199.00	56.17%
Total Police		1,376,500.00	110,457.00	773,199.00	56.17%
Total Revenue		4,899,200.00	292,766.34	3,345,731.16	68.29%

## Expense

Council	110				
Council Member Stipend	61115	7,500.00	625.00	3,272.31	43.63%
Medicare-ER	61130	200.00	9.06	72.48	36.24%
Social Security-ER	61131	500.00	38.75	310.00	62.00%
Unemployment Ins-Fed & State	61132	100.00	3.75	30.00	30.00%
Dental Expense	61135	10,750.00	511.03	3,440.69	32.00%
Materials/Supply	62410	150.00	0.00	100.00	66.66%
Membership Dues-Professional Org	64550	4,000.00	1,575.83	1,916.18	47.90%
Strategic Planning	64570	5,000.00	0.00	0.00	0.00%
Misc Expenses	64580	0.00	0.00	924.83	0.00%
Travel Expenses	64610	4,000.00	0.00	3,857.08	96.42%
Total Council		32,200.00	2,763.42	13,923.57	43.24%
City Clerk	111				
Payroll	61105	149,600.00	13,826.17	94,639.46	63.26%
Overtime	61110	20,000.00	625.14	3,834.49	19.17%
PERS UAL	61124	36,900.00	0.00	36,879.00	99.94%
PERS Retirement	61125	13,800.00	1,380.53	8,213.90	59.52%
Medicare-ER	61130	2,200.00	183.97	1,393.93	63.36%
Unemployment Ins-Fed & State	61132	200.00	17.51	84.00	42.00%
Dental Expense	61135	3,200.00	190.76	1,526.08	47.69%
Health Insurance	61140	60,500.00	0.00	26,168.33	43.25%
Health Insurance -Retiree	61141	1,800.00	0.00	0.00	0.00%
Vision Ins	61145	500.00	27.89	211.74	42.34%
Workers Comp and EAP	61150	9,100.00	0.00	9,337.48	102.60%
Wellness Program	61155	1,000.00	0.00	1,108.66	110.86%
Materials/Supply	62410	16,300.00	102.82	2,100.87	12.88%
Office Supplies	62430	11,200.00	94.19	2,907.14	25.95%
Repair/Maintenance	63505	1,000.00	0.00	597.23	59.72%
Other Outside Services	63508	3,000.00	397.84	3,168.09	105.60%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Shredding Services	63509	1,000.00	86.04	617.04	61.70%
Telephone	63530	7,700.00	33.50	4,307.35	55.93%
Website Design & Maintenance	63535	3,800.00	0.00	0.00	0.00%
Postage / Shipping	63540	3,000.00	0.00	1,126.20	37.54%
Training	63605	5,000.00	0.00	1,324.59	26.49%
Insurance-Liability	63620	17,370.00	0.00	17,369.57	99.99%
Insurance-Property	63621	1,300.00	0.00	1,264.14	97.24%
Contract Services - IT	63635	7,800.00	900.00	9,593.75	122.99%
HR Services-RGS	63652	31,500.00	0.00	0.00	0.00%
Temporary Assistance	63657	10,000.00	0.00	6,514.20	65.14%
Software/Server Subscription	64310	10,000.00	575.50	7,387.51	73.87%
Agenda Management System	64315	5,000.00	0.00	4,920.00	98.40%
Document Management System	64316	1,500.00	0.00	437.50	29.16%
Municipal Code Service	64320	10,000.00	0.00	1,097.25	10.97%
Membership Dues-Professional Org	64550	3,200.00	0.00	285.00	8.90%
Membership Dues-Government Agency	64552	1,300.00	0.00	650.00	50.00%
Printing / Publications	64575	2,000.00	0.00	1,233.38	61.66%
Misc Expenses	64580	0.00	0.00	924.83	0.00%
Travel Expenses	64610	700.00	0.00	602.35	86.05%
Furniture & Equipment	66300	3,000.00	0.00	174.79	5.82%
Total City Clerk		455,470.00	18,441.86	251,999.85	55.33%
City Manager	120				
Payroll	61105	202,100.00	15,548.80	127,276.57	62.97%
PERS UAL	61124	1,000.00	0.00	0.00	0.00%
PERS Retirement	61125	14,800.00	1,676.01	6,946.86	46.93%
Medicare-ER	61130	2,800.00	225.46	1,889.56	67.48%
Unemployment Ins-Fed & State	61132	100.00	0.00	42.00	42.00%
Dental Expense	61135	1,600.00	193.29	1,546.32	96.64%
Health Insurance	61140	30,200.00	0.00	22,138.96	73.30%
Vision Ins	61145	200.00	0.00	118.40	59.20%
Workers Comp and EAP	61150	11,700.00	0.00	11,802.74	100.87%
Wellness Program	61155	500.00	0.00	0.00	0.00%
Admin Leave	61175	0.00	0.00	3,109.76	0.00%
Auto Allowance	61180	5,400.00	415.40	3,323.16	61.54%
Office Supplies	62430	1,500.00	0.00	641.31	42.75%
Insurance-Liability	63620	22,405.00	0.00	22,402.12	99.98%
Insurance-Property	63621	1,645.00	0.00	1,629.24	99.04%
Membership Dues-Professional Org	64550	2,800.00	0.00	300.00	10.71%
Membership Dues-Government Agency	64552	0.00	300.00	300.00	0.00%
Books and Periodicals	64565	300.00	0.00	0.00	0.00%
Travel Expenses	64610	8,000.00	0.00	2,396.27	29.95%
Contingency	66905	11,250.00	0.00	0.00	0.00%
Total City Manager		318,300.00	18,358.96	205,863.27	64.68%
Finance	130				
ADP Payroll Fees	62310	7,000.00	0.00	4,338.21	61.97%
Bank Service Charges	62320	6,000.00	0.00	2,910.33	48.50%
Grant Writing Services	62327	30,000.00	0.00	4,458.00	14.86%
Accounting Software	62431	8,652.39	4,152.39	12,646.14	146.15%
Audit-Finance	63625	34,800.00	16,950.00	33,900.00	97.41%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Audit -Sales Tax	63626	5,000.00	0.00	0.00	0.00%
Actuarial Services	63627	4,500.00	1,200.00	1,200.00	26.66%
Accounting Services-RGS	63645	207,900.00	21,874.68	159,840.10	76.88%
Total Finance		303,852.39	44,177.07	219,292.78	72.17%
Legal	150				
Legal Services	63650	150,000.00	7,507.50	55,658.33	37.10%
Legal Advert	64560	2,300.00	526.50	2,360.61	102.63%
Misc Expenses	64580	1,000.00	0.00	459.94	45.99%
Total Legal		153,300.00	8,034.00	58,478.88	38.15%
Planning & Building Regulation	160				
Economic Development Services	63639	20,000.00	0.00	0.00	0.00%
Planning Services	63640	40,000.00	33,999.25	55,086.75	137.71%
Contract Services - Housing Element	63642	17,000.00	121.00	16,856.15	99.15%
Building Inspections Services	63648	32,400.00	5,443.65	30,776.74	94.98%
Engineering Services	63649	5,000.00	0.00	3,929.25	78.58%
Code Enforcement Services	63656	5,000.00	0.00	954.50	19.09%
Travel Expenses	64610	3,000.00	0.00	3,826.56	127.55%
Total Planning & Building Regulation		122,400.00	39,563.90	111,429.95	91.04%
Government Buildings	180				
Repair/Maintenance	63505	15,100.00	0.00	346.01	2.29%
Other Outside Services	63508	1,000.00	109.00	517.00	51.70%
Janitorial Services	63660	3,000.00	250.00	1,750.00	58.33%
Total Government Buildings		19,100.00	359.00	2,613.01	13.68%
Non-Departmental	190				
Materials/Supply	62410	5,800.00	0.00	65.24	1.12%
Telephone	63530	1,000.00	0.00	123.32	12.33%
Insurance-Liability	63620	12,830.00	0.00	12,829.74	99.99%
Insurance-Property	63621	1,880.00	0.00	1,875.35	99.75%
Membership Dues-Professional Org	64550	2,590.00	0.00	0.00	0.00%
Membership Dues-Non Profit Agency Contrib	64551	11,800.00	0.00	8,279.00	70.16%
Membership Dues-Government Agency	64552	5,500.00	0.00	5,131.68	93.30%
Misc Expenses	64580	1,000.00	180.00	21,772.49	2,177.24%
S.M.I.P.	64930	200.00	0.00	49.23	24.61%
SB 1473	64940	100.00	0.00	65.72	65.72%
Total Non-Departmental		42,700.00	180.00	50,191.77	117.55%
Police	210				
Payroll	61105	1,036,000.00	78,755.37	607,528.64	58.64%
Overtime	61110	140,000.00	6,720.45	90,483.79	64.63%
Overtime-DEA	61111	44,000.00	606.22	13,147.94	29.88%
Reserves Payroll	61120	95,000.00	6,686.25	58,751.70	61.84%
PERS UAL - After 06/30/18	61123	1,050.00	0.00	1,020.00	97.14%
PERS UAL	61124	101,950.00	0.00	101,918.00	99.96%
PERS Retirement	61125	136,500.00	14,554.05	89,147.18	65.30%
PERS 457 Expense	61126	32,400.00	3,600.00	20,700.00	63.88%
Medicare-ER	61130	15,700.00	1,375.82	11,198.09	71.32%
Social Security-ER	61131	1,600.00	33.16	784.43	49.02%
Unemployment Ins-Fed & State	61132	10,500.00	43.76	566.98	5.39%



City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Dental Expense	61135	17,900.00	1,155.26	9,909.63	55.36%
Health Insurance	61140	296,400.00	0.00	134,732.90	45.45%
Health Insurance -Retiree	61141	2,000.00	0.00	1,063.00	53.15%
Vision Ins	61145	2,900.00	216.87	1,627.94	56.13%
Workers Comp and EAP	61150	172,400.00	0.00	173,311.44	100.52%
Wellness Program	61155	5,300.00	0.00	0.00	0.00%
Uniform Allowance	61160	10,000.00	2,250.00	4,500.00	45.00%
Materials/Supply	62410	18,670.00	1,858.69	8,247.62	44.17%
Ammunition	62420	5,000.00	0.00	3,905.89	78.11%
Body Armor Vests	62422	12,150.00	0.00	12,142.15	99.93%
Office Supplies	62430	5,000.00	977.69	2,579.10	51.58%
Auto Operations - Supplies / Equip	62710	2,500.00	0.00	0.00	0.00%
Auto Operations - Fuel	62720	30,000.00	0.00	21,172.66	70.57%
Repair/Maintenance	63505	14,000.00	0.00	605.00	4.32%
Other Outside Services	63508	0.00	480.25	3,151.41	0.00%
Shredding Services	63509	1,000.00	86.05	617.05	61.70%
Telephone	63530	14,000.00	901.34	10,744.62	76.74%
Internet	63531	6,500.00	368.13	4,962.02	76.33%
Annual Maintenance-Records Management Software	63537	6,020.00	0.00	2,902.79	48.21%
Annual Maintenance	63538	3,400.00	0.00	0.00	0.00%
Annual Maintenance-MDT	63539	3,300.00	0.00	0.00	0.00%
Postage / Shipping	63540	500.00	0.00	68.43	13.68%
Training	63605	15,000.00	0.00	3,291.75	21.94%
Insurance-Liability	63620	125,435.00	0.00	143,389.30	114.31%
Insurance-Property	63621	10,075.00	0.00	10,065.45	99.90%
Audit-Finance	63625	4,500.00	4,500.00	4,500.00	100.00%
Contract Services - IT	63635	12,900.00	900.00	9,281.25	71.94%
Contract Services-Others	63637	4,200.00	12.08	2,803.13	66.74%
HR Services-RGS	63652	3,000.00	0.00	0.00	0.00%
Janitorial Services	63660	3,000.00	250.00	1,750.00	58.33%
911-Radio Dispatch	63665	58,500.00	0.00	41,280.13	70.56%
911-Inform MDT Terminal Service	63666	1,500.00	0.00	0.00	0.00%
911-Notification System	63667	400.00	0.00	0.00	0.00%
911-NGEN O&M	63668	8,000.00	0.00	5,976.16	74.70%
911-NGEN Debt	63669	5,200.00	0.00	5,128.32	98.62%
Auto Repair/Maintenance	63730	14,000.00	750.36	11,768.71	84.06%
Parking & Admin Citations Services	63812	5,000.00	0.00	4,157.00	83.14%
Animal Regulation Fire	63820	500.00	0.00	239.00	47.80%
Fund Jail & Prisoner	63830	200.00	0.00	0.00	0.00%
ACJIS System	63840	9,000.00	0.00	0.00	0.00%
Software/Server Subscription	64310	14,000.00	704.50	13,564.53	96.88%
Computer Server	64318	3,500.00	0.00	0.00	0.00%
Personnel Recruit & Pre-Employment	64545	3,000.00	0.00	957.26	31.90%
Membership Dues-Professional Org	64550	5,000.00	104.00	5,050.51	101.01%
Books and Periodicals	64565	900.00	56.81	252.40	28.04%
Printing / Publications	64575	3,000.00	0.00	1,079.21	35.97%
Misc Expenses	64580	0.00	(21,319.32)	(20,394.49)	0.00%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

100 - General Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Travel Expenses	64610	13,000.00	422.75	5,877.54	45.21%
Principal-Motorola Lease-Cameras	65104	21,350.00	0.00	21,319.32	99.85%
Vehicle Replacement	66735	80,000.00	0.00	0.00	0.00%
Total Police		2,667,800.00	107,050.54	1,662,826.88	62.33%
Fire/Animal Control	220				
Fire Seaside	63810	227,600.00	0.00	113,757.50	49.98%
Total Fire/Animal Control		227,600.00	0.00	113,757.50	49.98%
Public Works/Streets	311				
Payroll	61105	83,600.00	6,428.80	51,503.93	61.60%
Overtime	61110	3,000.00	0.00	0.00	0.00%
PERS UAL	61124	1,000.00	0.00	0.00	0.00%
PERS Retirement	61125	6,500.00	740.61	4,425.49	68.08%
Medicare-ER	61130	1,300.00	93.22	745.76	57.36%
Unemployment Ins-Fed & State	61132	100.00	3.43	42.01	42.01%
Dental Expense	61135	1,600.00	126.98	1,015.84	63.49%
Health Insurance	61140	30,300.00	0.00	17,029.98	56.20%
Vision Ins	61145	300.00	16.51	132.08	44.02%
Workers Comp and EAP	61150	5,200.00	0.00	5,317.74	102.26%
Wellness Program	61155	600.00	0.00	576.93	96.15%
Materials/Supply	62410	16,500.00	95.03	3,507.43	21.25%
Office Supplies	62430	1,500.00	61.16	499.78	33.31%
Auto Operations - Supplies / Equip	62710	2,500.00	0.00	645.97	25.83%
Auto Operations - Fuel	62720	6,000.00	0.00	3,245.77	54.09%
Repair/Maintenance	63505	38,260.00	250.00	6,744.40	17.62%
Other Outside Services	63508	1,000.00	0.00	440.00	44.00%
Gabilan Crew	63515	5,000.00	2,135.40	2,702.00	54.04%
Utilities - PG&E	63520	20,000.00	2,945.69	15,965.15	79.82%
Utilities - Water	63525	5,000.00	413.99	3,681.01	73.62%
Telephone	63530	300.00	0.00	246.35	82.11%
Training	63605	5,000.00	0.00	675.00	13.50%
Insurance-Liability	63620	10,660.00	0.00	10,658.17	99.98%
Insurance-Property	63621	780.00	0.00	775.50	99.42%
Insurance-Vehicles	63622	4,500.00	0.00	4,267.00	94.82%
Organic Waste Regs Services	63654	9,000.00	0.00	1,626.00	18.06%
Auto Repair/Maintenance	63730	8,300.00	0.00	1,724.14	20.77%
Printing / Publications	64575	1,250.00	0.00	770.86	61.66%
Storm Water Project - Phase 4	64920	23,000.00	0.00	7,067.00	30.72%
Equipment	66302	21,000.00	0.00	20,101.99	95.72%
Contingency	66905	27,780.00	0.00	0.00	0.00%
Total Public Works/Streets		340,830.00	13,310.82	166,133.28	48.74%
Parks/Recreation	411				
Materials/Supply	62410	15,400.00	0.00	8,454.86	54.90%
Office Supplies	62430	0.00	0.00	68.19	0.00%
Repair/Maintenance	63505	25,000.00	0.00	17,237.00	68.94%
Utilities - Water	63525	3,000.00	278.90	2,052.24	68.40%
Travel Expenses	64610	100.00	0.00	69.85	69.85%
Total Parks/Recreation		43,500.00	278.90	27,882.14	64.10%
Total Expense		4,727,052.39	252,518.47	2,884,392.88	61.02%

Other Financing Sources and Uses  
Non Department Specific

000

City of Del Rey Oaks  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**100 - General Fund**

From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Transfers Out to CIP	81003	<u>(198,900.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Non Department Specific		<u>(198,900.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Other Financing Sources and Uses		<u>(198,900.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		(26,752.39)	40,247.87	461,338.28	

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

210 - Gas Tax Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
Gas Tax 2103	47010	14,600.00	1,048.28	10,079.45	69.03%
Gas Tax 2105	47020	10,000.00	774.14	6,344.83	63.44%
Gas Tax 2106	47030	9,000.00	737.91	5,933.96	65.93%
Gas Tax 2107	47040	11,900.00	1,066.03	8,799.04	73.94%
Gas Tax 2107.5	47050	1,000.00	0.00	1,000.00	100.00%
Total Non Department Specific		46,500.00	3,626.36	32,157.28	69.16%
Total Revenue		46,500.00	3,626.36	32,157.28	69.16%
Expense					
Public Works/Streets	311				
Street Sweeping	63510	10,000.00	0.00	4,215.60	42.15%
Street Lighting	63910	15,000.00	0.00	1,951.39	13.00%
Total Public Works/Streets		25,000.00	0.00	6,166.99	24.67%
Total Expense		25,000.00	0.00	6,166.99	24.67%
Excess(Deficit) of Revenue Over Expenditures		21,500.00	3,626.36	25,990.29	120.88%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

211 - SB1 Fund-RMRA  
From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Revenue					
Non Department Specific	000				
SB 1 Funds	47777	<u>38,900.00</u>	<u>3,864.50</u>	<u>25,972.65</u>	<u>66.76%</u>
Total Non Department Specific		<u>38,900.00</u>	<u>3,864.50</u>	<u>25,972.65</u>	<u>66.77%</u>
Total Revenue		<u>38,900.00</u>	<u>3,864.50</u>	<u>25,972.65</u>	<u>66.77%</u>
Expense					
Curb Repair	536				
Curb and Gutter Repair	66327	<u>20,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Curb Repair		<u>20,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Saucito/Work Gutter & Curb	537				
Curb and Gutter Repair	66327	<u>40,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Saucito/Work Gutter & Curb		<u>40,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Via Verde Curb & Gutter Repair	538				
Curb and Gutter Repair	66327	<u>90,000.00</u>	<u>0.00</u>	<u>13,195.00</u>	<u>14.66%</u>
Total Via Verde Curb & Gutter Repair		<u>90,000.00</u>	<u>0.00</u>	<u>13,195.00</u>	<u>14.66%</u>
Total Expense		<u>150,000.00</u>	<u>0.00</u>	<u>13,195.00</u>	<u>8.80%</u>
Excess(Deficit) of Revenue Over Expenditures		(111,100.00)	3,864.50	12,777.65	(11.50)%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

212 - Measure X Fund  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Non Department Specific	000				
Measure X	47775	94,400.00	0.00	0.00	0.00%
Total Non Department Specific		94,400.00	0.00	0.00	0.00%
Total Revenue		94,400.00	0.00	0.00	0.00%
Expense					
Via Verde/Los Encinos Street Repair	524				
Street Improvements	66410	39,500.00	0.00	39,480.00	99.94%
Total Via Verde/Los Encinos Street Repair		39,500.00	0.00	39,480.00	99.95%
Angelus/Rosita Storm Drain Repair (Engineering)	525				
Street Improvements	66410	10,000.00	0.00	0.00	0.00%
Total Angelus/Rosita Storm Drain Repair (Engineering)		10,000.00	0.00	0.00	0.00%
Angelus/Rosita Storm Drain Repair (Construction)	526				
Street Improvements	66410	60,000.00	0.00	0.00	0.00%
Total Angelus/Rosita Storm Drain Repair (Construction)		60,000.00	0.00	0.00	0.00%
Debt Service - Measure X	610				
Principal - Measure X Loan	65103	80,400.00	0.00	0.00	0.00%
Interest - Measure X	65203	14,000.00	0.00	0.00	0.00%
Total Debt Service - Measure X		94,400.00	0.00	0.00	0.00%
Total Expense		203,900.00	0.00	39,480.00	19.36%
Excess(Deficit) of Revenue Over Expenditures		(109,500.00)	0.00	(39,480.00)	36.05%

City of Del Rey Oaks  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**221 - FORA Habitat Management Fund**

From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
Planning & Building Regulation	160				
Contract Services - Habitat Management Plan	63646	34,536.50	484.50	484.50	1.40%
Total Planning & Building Regulation		<u>34,536.50</u>	<u>484.50</u>	<u>484.50</u>	<u>1.40%</u>
Total Expense		<u>34,536.50</u>	<u>484.50</u>	<u>484.50</u>	<u>1.40%</u>
Excess(Deficit) of Revenue Over Expenditures		(34,536.50)	(484.50)	(484.50)	1.40%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

223 - ARPA Fund

From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
Police	210				
Mobile Data Terminals	66305	5,998.17	0.00	465.55	7.76%
Portable Radios	66306	<u>2,589.89</u>	<u>0.00</u>	<u>2,548.26</u>	<u>98.39%</u>
Total Police		8,588.06	0.00	3,013.81	35.09%
City Hall Parking Lot Imp	527				
Parking Lot Improvements & Repairs	66425	100,000.00	0.00	0.00	0.00%
Total City Hall Parking Lot Imp		<u>100,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expense		<u>108,588.06</u>	<u>0.00</u>	<u>3,013.81</u>	<u>2.78%</u>
Excess(Deficit) of Revenue Over Expenditures		(108,588.06)	0.00	(3,013.81)	2.77%



City of Del Rey Oaks  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**231 - BSCC-Officer Wellness & Mental Health Grant**

From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
Police	210				
Law Enforcement Wellness App	64314	<u>2,000.00</u>	<u>0.00</u>	<u>1,999.00</u>	<u>99.95%</u>
Total Police		<u>2,000.00</u>	<u>0.00</u>	<u>1,999.00</u>	<u>99.95%</u>
Total Expense		<u>2,000.00</u>	<u>0.00</u>	<u>1,999.00</u>	<u>99.95%</u>
Excess(Deficit) of Revenue Over Expenditures		(2,000.00)	0.00	(1,999.00)	99.95%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

235 - Asset Forfeitures  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Revenue					
Police	210				
Police Grants & Other Reimbursements	47780	5,000.00	0.00	0.00	0.00%
Total Police		5,000.00	0.00	0.00	0.00%
Total Revenue		5,000.00	0.00	0.00	0.00%
Excess(Deficit) of Revenue Over Expenditures		5,000.00	0.00	0.00	0.00%

City of Del Rey Oaks  
Statement of Revenues and Expenditures-YTD Budget v. Actual Detail

301 - Capital Projects  
From 2/1/2024 Through 2/29/2024

		FY 2024 Budget - Revised	February 2024 Actual	FY 2024 YTD Actual	Percent Collected/Used
Expense					
Housing Element 6th Cycle	532				
Housing Element Cost - 6th Cycle	63638	138,900.00	105,700.00	105,700.00	76.09%
Total Housing Element 6th Cycle		138,900.00	105,700.00	105,700.00	76.10%
Vehicle Replacement	533				
Vehicle Replacement	66735	40,000.00	0.00	0.00	0.00%
Total Vehicle Replacement		40,000.00	0.00	0.00	0.00%
City Hall Facility Repairs & Upgrades	541				
Repairs and Improvements	66322	10,000.00	0.00	0.00	0.00%
Total City Hall Facility Repairs & Upgrades		10,000.00	0.00	0.00	0.00%
Council Chamber Technology Project	542				
Technology Upgrades	66323	10,000.00	0.00	0.00	0.00%
Total Council Chamber Technology Project		10,000.00	0.00	0.00	0.00%
Total Expense		198,900.00	105,700.00	105,700.00	53.14%
Other Financing Sources and Uses					
Housing Element 6th Cycle	532				
Transfers In from GF	82003	138,900.00	0.00	0.00	0.00%
Total Housing Element 6th Cycle		138,900.00	0.00	0.00	0.00%
Vehicle Replacement	533				
Transfers In from GF	82003	40,000.00	0.00	0.00	0.00%
Total Vehicle Replacement		40,000.00	0.00	0.00	0.00%
City Hall Facility Repairs & Upgrades	541				
Transfers In from GF	82003	10,000.00	0.00	0.00	0.00%
Total City Hall Facility Repairs & Upgrades		10,000.00	0.00	0.00	0.00%
Council Chamber Technology Project	542				
Transfers In from GF	82003	10,000.00	0.00	0.00	0.00%
Total Council Chamber Technology Project		10,000.00	0.00	0.00	0.00%
Total Other Financing Sources and Uses		198,900.00	0.00	0.00	0.00%
Excess(Deficit) of Revenue Over Expenditures		0.00	(105,700.00)	(105,700.00)	0.00%

City of Del Rey Oaks  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

**321 - SBR Engineering Fund**  
 From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Expense					
SBR Engineering	518				
Contract Services - Engineering	63611	<u>505,830.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total SBR Engineering		<u>505,830.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expense		<u>505,830.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		(505,830.00)	0.00	0.00	0.00%

City of Del Rey Oaks  
**Statement of Revenues and Expenditures-YTD Budget v. Actual Detail**

323 - SBR Construction Fund  
 From 2/1/2024 Through 2/29/2024

		<u>FY 2024 Budget - Revised</u>	<u>February 2024 Actual</u>	<u>FY 2024 YTD Actual</u>	<u>Percent Collected/Used</u>
Revenue					
Non Department Specific	000				
FORA Contribution for SBR Construction	47772	0.00	0.00	1,000.00	0.00%
Total Non Department Specific		<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.00%</u>
Total Revenue		<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.00%</u>
Excess(Deficit) of Revenue Over Expenditures		0.00	0.00	1,000.00	0.00%


**FIRE DEPARTMENT**

1635 Broadway Avenue  
Seaside, CA 93955

Telephone (831) 899-6790  
FAX (831) 899-6261

March 19, 2024

John Guertin, City Manager  
Del Rey Oaks City Hall  
650 Canyon Del Rey  
Del Rey Oaks, CA 93940

Dear Mr. Guertin:

Enclosed is a copy of the response reports for the Seaside Fire Department response to Del Rey Oaks for the period of February 1, 2024 through February 29, 2024.

The Seaside Fire Department responded to the following incidents in the month of February:

Incident #

240202-SEA00297	240204-SEA00330	240225-SEA00541
240202-SEA00300	240212-SEA00408	240228-SEA00573
240203-SEA00302	240215-SEA00450	240228-SEA00576
240204-SEA00317	240220-SEA00488	240229-SEA00582
240204-SEA00328	240221-SEA00502	240229-SEA00583

There are Fifteen (15) fire calls for the month of February. If you have any questions, please contact me.

Sincerely,

Paul Blaha  
Deputy Fire Chief  
CC: File

**SEASIDE FIRE DEPARTMENT**  
**City of Del Rey Oaks - Response Report**

Incident Date	Incident Number	Alarm Time	Arrival Time	Response Time (Minutes)	Incident Type Code	District	Street Or Highway Name	Priority
2/2/2024	240202-SEA00297	1:54:01 PM	2:01:04 PM	5.98	622	29	Pheasant Ridge	Emergent
2/2/2024	240202-SEA00300	8:58:03 PM	9:03:53 PM	5.18	6111	29	Carlton	Emergent
2/3/2024	240203-SEA00302	8:33:37 AM	8:39:18 AM	4.98	321	29	Saucito	Emergent
2/4/2024	240204-SEA00317	9:59:41 AM	10:05:51 AM	6.17	813	29	Rosita	Non-Emergent
2/4/2024	240204-SEA00328	3:12:23 PM	3:18:13 PM	5.83	440	29	Quendale	Non-Emergent
2/4/2024	240204-SEA00330	3:41:00 PM	3:47:55 PM	5.17	444	29	CARLTON	Emergent
2/12/2024	240212-SEA00408	11:41:13 AM	11:48:15 AM	3.73	510	29	Pheasant Ridge	Non-Emergent
2/15/2024	240215-SEA00450	8:16:38 PM	8:24:14 PM	6.97	311	29	Los Encinos	Emergent
2/20/2024	240220-SEA00488	7:15:10 AM	7:25:54 AM	9.80	444	29	Canyon Del Rey	Non-Emergent
2/21/2024	240221-SEA00502	3:21:04 PM	3:26:20 PM	4.77	321	29	Canyon Del Rey	Emergent
2/25/2024	240225-SEA00541	6:13:48 AM	6:23:21 AM	9.07	321	29	Rosita	Emergent
2/28/2024	240228-SEA00573	5:54:53 PM	6:07:19 PM	11.85	1001	29	Canyon Del Rey	Non-Emergent
2/28/2024	240228-SEA00576	6:59:08 PM	7:06:22 PM	6.25	321	29	Work	Emergent
2/29/2024	240229-SEA00582	10:09:42 AM	10:18:51 AM	8.22	746	29	Rosita	Non-Emergent
2/29/2024	240229-SEA00583	12:48:46 PM	12:56:25 PM	6.93	561	29	Rosita	Emergent

Total Calls 15

LEGEND CODE:	INCIDENT TYPE:
100-173	FIRE
200-251	OVERPRESSURE
300-381	MEDICAL RESPONSE
400-482	HAZARDOUS CONDITION
500-571	SERVICE CALL
600-672	GOOD INTENT CALL
700-751	FALSE ALARM/FALSE CALL
800-810	SEVERE WEATHER
900-911	SPECIAL/CITIZEN COMPLAINT



# POLICE

## DEL REY OAKS

## City Council Report

### Feb 2024

Chris Bourquin - Chief

Case #	Date	Offense Code 1	Offense Code Description	DRO	MPAD	OJ	Residential	Commercial
Case #	Date	Offense Code 1		X				X
24-024	02/02/2024	32310(A) PC	Possession of large capacity Mag	X			X	
24-025	02/04/2024	Information Only		X				X
24-026	02/07/2024	Lost Property			X			X
24-027	02/07/2024	Lost Property		X			X	
24-028	02/07/2024	Information Only		X				X
24-029	02/08/2024	DOMESTIC	Domestic Disturbance	X				X
24-030	02/11/2024	Information Only			X			
24-031	02/12/2024	Information Only		X				X
24-032	02/12/2024	Information Only		X				X
24-033	02/12/2024	594(A)(1) PC	Vandalism		X			X
24-034	02/12/2024	530.5(A) PC	Identity Theft	X			X	
24-035	02/13/2024	Information Only		X				X
24-036	02/13/2024	484(A) PC	Shoplifting	X				X
24-037	02/13/2024	20002(A)(1) VC	Hit and Run	X				X
24-038	02/13/2024	Information Only		X			X	
24-039	02/14/2024	Towed Vehicle		X			X	
24-040	02/15/2024	171.5(B) PC	Weapon at Airport		X			X
24-041	02/15/2024	Information Only		X			X	
24-042	02/16/2024	Information Only		X				X
24-043	02/16/2024	647(F) PC	Drunk in public		X			X
24-044	02/17/2024	Lost Property			X			X
24-045	02/17/2024	484(A) PC	Shoplifting	X				X
24-046	02/18/2024	Surrendered Property			X			X
24-047	02/21/2024	11350(A) HS	Possession of control substance	X				X
24-048	02/21/2024	Information Only		X			X	
24-049	02/23/2024	374.3(H)(1) PC	Illegal Dumping	X			X	
24-050	02/26/2024	Information Only			X			X
24-051	02/27/2024	Information Only			X			X
24-052	02/28/2024	484(A) PC	Shoplifting	X				X
24-053	02/28/2024	Susp Circ		X			X	
30 Cases								



Calls for Service	
Month	YTD
277	548

Case Reports	
Month	YTD
30	53

Alarms					
Residential		Commercial		MPAD	
Mo.	YTD	Mo.	YTD	Mo.	YTD
1	1	10	14	5	6

Citations					
Moving		Parking		Warning	
Mo.	YTD	Mo.	YTD	Mo.	YTD
6	13	26	46	4	7



# Group A Offense Report

Printed On: 03/11/2024

Beginning Date: 02/01/2024

Ending Date: 02/29/2024

Page 1 of 1

Item 3.

Agency: All

Offense	Reported in 2024	Reported in 2023	Percent Change	Offenses Cleared	Percent Cleared	Percent Of Category	Rate Per 100,000*
Murder	0	0	NA	0	0.00%	0.00%	NA
Negligent Manslaughter	0	0	NA	0	0.00%	0.00%	NA
Justifiable Homicide	0	0	NA	0	0.00%	0.00%	NA
Non-consensual Sex Offenses:							
Rape	0	0	NA	0	0.00%	0.00%	NA
Sodomy	0	0	NA	0	0.00%	0.00%	NA
Sexual Assault with Object	0	0	NA	0	0.00%	0.00%	NA
Fondling	0	0	NA	0	0.00%	0.00%	NA
Aggravated Assault	0	0	NA	0	0.00%	0.00%	NA
Simple Assault	0	1	-100.00%	0	0.00%	0.00%	NA
Intimidation	0	1	-100.00%	0	0.00%	0.00%	NA
Kidnapping/Abduction	0	0	NA	0	0.00%	0.00%	NA
Consensual Sex Offenses:							
Incest	0	0	NA	0	0.00%	0.00%	NA
Statutory Rape	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Commercial Sex Acts	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Involuntary Servitude	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Persons Total</b>	<b>0</b>	<b>2</b>	<b>-100%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>NA</b>
Robbery	0	0	NA	0	0.00%	0.00%	NA
Burglary/Breaking & Entering	0	0	NA	0	0.00%	0.00%	NA
Larceny/Theft Offenses	3	6	-50.00%	0	0.00%	50.00%	NA
Motor Vehicle Theft	0	0	NA	0	0.00%	0.00%	NA
Arson	0	0	NA	0	0.00%	0.00%	NA
Destruction Of Property	1	0	NA	0	0.00%	16.67%	NA
Counterfeiting/Forgery	0	0	NA	0	0.00%	0.00%	NA
Fraud Offense	2	4	-50.00%	0	0.00%	33.33%	NA
Embezzlement	0	0	NA	0	0.00%	0.00%	NA
Extortion/Blackmail	0	0	NA	0	0.00%	0.00%	NA
Bribery	0	0	NA	0	0.00%	0.00%	NA
Stolen Property Offenses	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Property Total</b>	<b>6</b>	<b>10</b>	<b>-40%</b>	<b>0</b>	<b>0.00%</b>	<b>66.67%</b>	<b>NA</b>
Drug/Narcotic Violations	1	0	NA	0	0.00%	33.33%	NA
Drug Equipment Violations	0	0	NA	0	0.00%	0.00%	NA
Gambling Offenses	0	0	NA	0	0.00%	0.00%	NA
Pornography/Obscene Material	0	0	NA	0	0.00%	0.00%	NA
Prostitution	0	0	NA	0	0.00%	0.00%	NA
Weapons Law Violation	2	0	NA	0	0.00%	66.67%	NA
Animal Cruelty	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Society Total</b>	<b>3</b>	<b>0</b>	<b>NA</b>	<b>0</b>	<b>0.00%</b>	<b>33.33%</b>	<b>NA</b>
<b>Total Group "A" Offenses</b>	<b>9</b>	<b>12</b>	<b>-25%</b>	<b>0</b>	<b>0.00%</b>	<b>100%</b>	<b>NA</b>

**Note:** The Rate per 100,000 will be 'NA' when the Adjusted Population Base is Zero.



# Group A Offense Report

Printed On: 03/11/2024

Beginning Date: 01/01/2024

Ending Date: 02/29/2024

Page 1 of 1

Item 3.

Agency: All

Offense	Reported in 2024	Reported in 2023	Percent Change	Offenses Cleared	Percent Cleared	Percent Of Category	Rate Per 100,000*
Murder	0	0	NA	0	0.00%	0.00%	NA
Negligent Manslaughter	0	0	NA	0	0.00%	0.00%	NA
Justifiable Homicide	0	0	NA	0	0.00%	0.00%	NA
Non-consensual Sex Offenses:							
Rape	0	0	NA	0	0.00%	0.00%	NA
Sodomy	0	0	NA	0	0.00%	0.00%	NA
Sexual Assault with Object	0	0	NA	0	0.00%	0.00%	NA
Fondling	0	0	NA	0	0.00%	0.00%	NA
Aggravated Assault	1	2	-50.00%	0	0.00%	25.00%	NA
Simple Assault	0	1	-100.00%	0	0.00%	0.00%	NA
Intimidation	3	1	200.00%	0	0.00%	75.00%	NA
Kidnapping/Abduction	0	0	NA	0	0.00%	0.00%	NA
Consensual Sex Offenses:							
Incest	0	0	NA	0	0.00%	0.00%	NA
Statutory Rape	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Commercial Sex Acts	0	0	NA	0	0.00%	0.00%	NA
Human Trafficking, Involuntary Servitude	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Persons Total</b>	<b>4</b>	<b>4</b>	<b>0%</b>	<b>0</b>	<b>0.00%</b>	<b>23.53%</b>	<b>NA</b>
Robbery	0	0	NA	0	0.00%	0.00%	NA
Burglary/Breaking & Entering	0	0	NA	0	0.00%	0.00%	NA
Larceny/Theft Offenses	5	11	-54.55%	1	20.00%	55.56%	NA
Motor Vehicle Theft	0	0	NA	0	0.00%	0.00%	NA
Arson	0	0	NA	0	0.00%	0.00%	NA
Destruction Of Property	2	2	0.00%	0	0.00%	22.22%	NA
Counterfeiting/Forgery	0	0	NA	0	0.00%	0.00%	NA
Fraud Offense	2	4	-50.00%	0	0.00%	22.22%	NA
Embezzlement	0	0	NA	0	0.00%	0.00%	NA
Extortion/Blackmail	0	0	NA	0	0.00%	0.00%	NA
Bribery	0	0	NA	0	0.00%	0.00%	NA
Stolen Property Offenses	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Property Total</b>	<b>9</b>	<b>17</b>	<b>-47.06%</b>	<b>1</b>	<b>11.11%</b>	<b>52.94%</b>	<b>NA</b>
Drug/Narcotic Violations	1	0	NA	0	0.00%	25.00%	NA
Drug Equipment Violations	0	0	NA	0	0.00%	0.00%	NA
Gambling Offenses	0	0	NA	0	0.00%	0.00%	NA
Pornography/Obscene Material	1	0	NA	0	0.00%	25.00%	NA
Prostitution	0	0	NA	0	0.00%	0.00%	NA
Weapons Law Violation	2	0	NA	0	0.00%	50.00%	NA
Animal Cruelty	0	0	NA	0	0.00%	0.00%	NA
<b>Crimes Against Society Total</b>	<b>4</b>	<b>0</b>	<b>NA</b>	<b>0</b>	<b>0.00%</b>	<b>23.53%</b>	<b>NA</b>
<b>Total Group "A" Offenses</b>	<b>17</b>	<b>21</b>	<b>-19.05%</b>	<b>1</b>	<b>5.88%</b>	<b>100%</b>	<b>NA</b>

**Note:** The Rate per 100,000 will be 'NA' when the Adjusted Population Base is Zero.



# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940

PHONE (831) 394-8511 FAX (831) 394-6421

**DATE:** March 26, 2024

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Second Reading of Ordinance Regulating Smoking in Multi-Unit Residences

**CEQA:** This activity is covered by the commonsense exemption that the California Environmental Quality Act (CEQA) applies only to projects that have the potential to have a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

## Recommended Action

It is recommended that the City Council adopt Ordinance 318 Amending Chapter 8.38 of the Municipal Code to Prohibit Smoking in New and Existing Units of Multi-Unit Residences.

## Background

On January 23, 2024, the Council adopted Ordinance 317 amending the Municipal Code to regulate smoking in public places. At this meeting, staff were directed to develop additional regulations for the prohibition of smoking in multi-unit residences.

On February 27, 2024, the City Council held the first reading of the proposed ordinance.

## Discussion

The County Health Department as well as some residents of The Oaks have requested the City consider adopting updates to the existing ordinance regulating smoking in multi-unit residences. As of January 1, 2024, 82 municipalities have enacted a law at the city or county level that prohibits smoking in 100% of private units of rental multi-unit housing properties. Of these municipalities, 75 have laws that prohibit smoking in 100% of private units of both rental and owner-occupied multi-unit housing properties.

The proposed amendments include additions to the Definitions as well as the addition of Section 8.38.035 Prohibition of Smoking in New and Existing Units of Multi-Unit Residences. The proposed Section 8.38.035 language is as follows:

***8.38.035 Prohibition of Smoking in New and Existing Units of Multi-Unit Residences.***

**A. Smoking is prohibited in all Units of a Multi-Unit Residence, including any associated exclusive use Enclosed Areas or Unenclosed Areas, such as a private balcony, porch, deck, or patio as provided below:**

- 1. Smoking in any New Unit of a Multi-Unit Residence on or after May 1, 2024, is a violation of this Chapter.**
- 2. Smoking in an existing Unit of a Multi-Unit Residence that is not a New Unit, on or after October 1, 2024, is a violation of this Chapter.**

**B. An owner or Landlord may designate a Smoking Area in a Multi-Unit Residence if the area is:**

- 1. An Unenclosed Area;**
- 2. Located a reasonable distance from Unenclosed Areas primarily used by children or Unenclosed Areas with improvements that facilitate physical activity including but not limited to playgrounds, tennis courts, swimming pools, and school campuses;**
- 3. Located a reasonable distance from any Nonsmoking Area. The location of Nonsmoking Areas may change due to enactment of law, execution of an agreement, or other event that affects the Area's Smoking designation. If an event occurs that changes a Nonsmoking Area, a person with legal control over a designated Smoking area within less than a reasonable distance of that Nonsmoking Area must modify, relocate, or eliminate that designated Smoking Area so as to maintain compliance with the requirements of this Chapter;**
  - a. In the case of a Nonsmoking Area on an adjacent property established by private agreement or designation and not by this Chapter or other law, it shall not be a violation of this Chapter for a person with legal control to designate a Smoking area within a reasonable distance of the Nonsmoking Area unless that person has actual knowledge of, or a reasonable person would know of, the private agreement or designation. It shall not be a violation of this Chapter for a person to Smoke within a Nonsmoking Area if the area is erroneously designated as a Smoking area unless a reasonable person would know of the error.**
- 4. No more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;**
- 5. Defined by a clearly marked perimeter;**
- 6. Identified by conspicuous signs; and**
- 7. Not overlapping any other Area where Smoking is prohibited by this Chapter or other law.**

**C. No person with legal control over a Common Area of a Multi-Unit Residence in which Smoking is prohibited by this Chapter or other law shall knowingly permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the Area.**

The proposed ordinance is submitted for City Council consideration.

**Fiscal Impacts**

There are no fiscal impacts associated with consideration of this item.

**Attachments**

- Multi-Unit Residence Smoking Regulations Ordinance #318

Respectfully Submitted,

---

John Guertin  
City Manager

## ORDINANCE NO. 318

### AN ORDINANCE OF THE CITY OF DEL REY OAKS AMENDING CHAPTER 8.38 OF THE DEL REY OAKS MUNICIPAL CODE REGARDING SMOKING REGULATIONS

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone;
- Tobacco use can cause disease in nearly all organs of the body and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths, in the United States;
- 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness; and
- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly \$300 billion annually; and

**WHEREAS**, exposure to secondhand smoke anywhere has negative health impacts; and

**WHEREAS**, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as smokeless tobacco use can lead to nicotine addiction, and cause oral, esophageal, and pancreatic cancers; and

**WHEREAS**, nonsmokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke, as evidenced by the following:

- Research demonstrates that secondhand smoke in multi-unit housing can and does transfer between units, seeping into smoke-free areas from areas where smoking occurs;
- Residents of multi-unit housing have higher levels of cotinine (a biomarker for nicotine) in their blood and saliva than those living in detached houses;
- Among children who live in homes in which no one smokes indoors, those who live in multi-unit housing have 45% higher cotinine levels than children who live in detached houses;
- Twelve studies have found between 26% and 64% of residents of multi-unit housing report secondhand smoke drifting into their home;
- Surveys have found that 65% to 90% of multi-unit housing residents who experience secondhand smoke in their home are bothered by it, and a 2019–2020 survey documented variations in secondhand smoke source among multi-unit housing residents in Los Angeles County, who reported secondhand smoke exposure from tobacco (39%), marijuana (36%), and e-cigarettes (9%); and

**WHEREAS**, in December 2023, the City Council directed that staff prepare the proposed amendments to Chapter 8.38 to include smoking regulations for multi-unit residences; and

**WHEREAS**, enactment of this Ordinance is exempt from CEQA pursuant to section 15061(b)(3) of the Guidelines. The City Council determines it does not have the potential to cause a significant effect on the environment.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.**

The City Council finds and determines the recitals set forth above to be true and correct and by this reference, incorporates the same herein as findings.

**Section 2.** Existing Municipal Code Chapter 8.38, titled "Smoke Free Public Places" shall be amended by the deletion of all text shown in strikeout text (~~strikeout text~~) and by the addition of all text shown in bold, italic text (***bold italic text***), as follows::

**CHAPTER 8.38 ~~SMOKE FREE PUBLIC PLACES~~ SMOKING REGULATIONS**

**Sections:**

8.38.010 Purpose and Intent.

8.38.020 Definitions.

8.38.030 Prohibition of Smoking in Unenclosed Areas.

***8.38.035 Prohibition of Smoking in New and Existing Units of Multi-Unit Residences.***

8.38.040 Smoke Free Buffer Zones.

8.38.050 Tobacco Waste.

8.38.060 Enforcement.

8.38.070 Violation and Penalties.

**8.38.010 Purpose and Intent.**

The council of the City of Del Rey Oaks hereby finds:

(a) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

(b) Reliable studies have shown that breathing secondhand smoke is a significant health hazard for certain population groups, including elderly people, those with cardiovascular disease, and those with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

(c) Health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

(d) The smoking or vaping of tobacco, or any other plant or substance, is a proven danger to health; and



(e) Section 6404.5 of the California Labor Code prohibits smoking in a “place of employment,” with certain exceptions, and provides that local government may regulate smoking in any areas not included within the definition of place of employment. The provisions of this Chapter are intended to prohibit smoking in areas deemed by the council as worthy of regulation, such areas, in the opinion of the council, not covered by Labor Code Section 6404.5, as may be amended.

(f) The use of electronic smoking devices has increased significantly in recent years, and studies on electronic smoking devices’ vapor emissions and cartridge contents have found a number of dangerous substances.

#### **8.38.020 Definitions.**

For the purposes of this Chapter the following definitions shall govern unless the context clearly requires otherwise.

A. “Cannabis” has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.

***B. “Common Area” means an area in a Multi-Unit Residence that residents of more than one Unit are entitled to enter or use, including, without limitation, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.***

C. “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. This shall not include inhalers or medical devices prescribed by a physician for medical purposes.

D. “Enclosed Area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

***E. “Landlord” means any person or agent of a person who owns, manages, or is otherwise legally responsible for a Unit in a Multi-Unit Residence that is leased to a residential tenant, except that “Landlord” does not include a tenant who sublets a Unit (e.g., a sub-lessor).***

F. “Multi-Unit Residence” means property containing three or more units, including, but not limited to, apartment buildings, common interest developments, senior and assisted living facilities, and long-term health care facilities.

***G. “New Unit” means a unit that is issued a certificate of occupancy, or a unit that is let for residential use, for the first time after the effective date of the ordinance codified in this Chapter.***

H. “Outdoor Dining Area” means any publicly or privately owned outdoor area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and that is designed, established, or regularly used for consuming food or drink.

***I. “Reasonable Distance” shall mean a distance of 25 feet in any direction from an area in which smoking is prohibited.***

J. “Person” means any natural person, business, corporation, partnership, cooperative association, personal representative, receiver, trustee, assignee, or any other legal entity.

K. “Public event areas” means any publicly or privately owned place used for an event open to the general public, regardless of any fee or age requirement, including a farmers’ market, parade, fair, or festival.

L. “Public place” means any publicly or privately owned place that is open to the general public, regardless of any fee or age requirement, including public parks, streets, parking lots, plazas, shopping areas, stadiums, or sporting facilities.

M. “Recreational area” means any publicly or privately owned area, including streets and sidewalks located within the area, that is open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, facilities, parks, playgrounds, athletic fields, restrooms, picnic areas, spectator and concession areas, walking paths, gardens, vernal ponds, hiking trails, bike paths, riding trails, roller and ice-skating rinks, and skateboard parks.

N. “Service area” means any publicly or privately owned area, including streets and sidewalks, designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “service area” includes, but is not limited to, areas including or within 25 feet of information kiosks, automatic teller machines (ATMs), service lines, bus stops or shelters, or cab stands.

O. “Service lines” means an outdoor line, in any publicly or privately owned area, in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, mobile vendor lines, movie ticket lines, and sporting event lines.

P. “Smoke” or “Smoking” means: (1) inhaling, exhaling, or burning, any tobacco, nicotine, cannabis, or plant product, whether natural or synthetic; (2) carrying any lighted, heated, or activated tobacco, nicotine, cannabis, or plant product, whether natural or synthetic, intended for inhalation; or (3) using an electronic smoking device or hookah.

Q. “Tobacco Product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah, tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, and any product or formulation of matter containing biologically active amounts of nicotine that is product or matter that will be introduced into the human body.

R. “Tobacco product waste” means any component, part, or remnant of any tobacco product. Tobacco product waste includes any waste that is produced from the use of a tobacco product, including all tobacco product packaging and incidental waste such as lighters or matches, whether or not it contains tobacco or nicotine.

S. "Tobacco use" means the act of smoking or the consumption of any other tobacco product in any form.

T. "Unenclosed Area" means any area that is not an enclosed area.

***U. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or Unenclosed Area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment, a condominium, a townhouse, a room in a senior facility, a room in a long-term health care facility, assisted living facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single room occupancy facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an accessory dwelling unit. Unit includes, without limitation, a New Unit.***

#### **8.38.030 Prohibition of Smoking in Unenclosed Areas.**

A. Smoking is prohibited in the Unenclosed Areas of the following places within the city:

1. Recreational areas
2. Service areas
3. Outdoor dining areas
4. Public event areas
5. Sidewalks
6. Public places

B. Nothing in this Chapter prohibits any person or employer with control over any property from prohibiting smoking and tobacco use on any part of such property, even if smoking or tobacco use is not otherwise prohibited in that area.

#### **8.38.035 Prohibition of Smoking in New and Existing Units of Multi-Unit Residences.**

***A. Smoking is prohibited in all Units of a Multi-Unit Residence, including any associated exclusive use Enclosed Areas or Unenclosed Areas, such as a private balcony, porch, deck, or patio as provided below:***

- 1. Smoking in any New Unit of a Multi-Unit Residence on or after May 1, 2024, is a violation of this Chapter.***
- 2. Smoking in an existing Unit of a Multi-Unit Residence that is not a New Unit, on or after October 1, 2024, is a violation of this Chapter.***

***B. An owner or Landlord may designate a Smoking Area in a Multi-Unit Residence if the area is:***

- 1. An Unenclosed Area;***
- 2. Located a reasonable distance from Unenclosed Areas primarily used by children or Unenclosed Areas with improvements that facilitate physical activity including but not limited to playgrounds, tennis courts, swimming pools, and school campuses;***
- 3. Located a reasonable distance from any nonsmoking area. The location of nonsmoking areas may change due to enactment of law, execution of an agreement, or other event that***

*affects the area's Smoking designation. If an event occurs that changes a nonsmoking area, a person with legal control over a designated Smoking area within less than a reasonable distance of that nonsmoking area must modify, relocate, or eliminate that designated Smoking Area so as to maintain compliance with the requirements of this Chapter;*

*a. In the case of a nonsmoking area on an adjacent property established by private agreement or designation and not by this Chapter or other law, it shall not be a violation of this Chapter for a person with legal control to designate a Smoking area within a reasonable distance of the nonsmoking area unless that person has actual knowledge of, or a reasonable person would know of, the private agreement or designation. It shall not be a violation of this Chapter for a person to Smoke within a nonsmoking area if the area is erroneously designated as a Smoking area unless a reasonable person would know of the error.*

*4. No more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;*

*5. Defined by a clearly marked perimeter;*

*6. Identified by conspicuous signs; and*

*7. Not overlapping any other area where Smoking is prohibited by this Chapter or other law.*

*C. No person with legal control over a Common Area of a Multi-Unit Residence in which Smoking is prohibited by this Chapter or other law shall knowingly permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the Area.*

#### **8.38.040 Smoke Free Buffer Zones**

Smoking in all Unenclosed Areas shall be prohibited within 25 feet from any area in which smoking is prohibited under Section 8.38.030 of this Chapter or by any other law. This prohibition shall not apply to Unenclosed Areas of private residential properties that are not Multi-Unit residences.

#### **8.38.050 Tobacco Waste**

A. No person or employer shall permit smoking ash receptacles within an area under their control and in which smoking is prohibited by law, including within twenty-five (25) feet from any area in which smoking is prohibited. The presence of smoking ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this Chapter.

B. No person shall dispose of tobacco product waste within the boundaries of an area in which smoking is prohibited.

#### **8.38.060 Enforcement**

A. No person shall permit smoking or tobacco use in an area that is under the control of that person and in which smoking, or tobacco use is prohibited by this article or any other law.

B. Event organizers shall post no smoking signs at an entrance to the event. Signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol and may be printed.

C. A person that has control of an area in which smoking and tobacco use is prohibited by this Chapter shall direct anyone who is smoking or using tobacco in violation of this Chapter to extinguish the product being smoked or stop using the tobacco product.

D. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this Chapter.

### **8.38.070 Violations and Penalties.**

Enforcement of these provisions shall be governed by Chapter 1.19 of the Del Rey Oaks Municipal Code. Each instance of smoking or tobacco use in violation of this Chapter shall be an infraction and constitute a separate violation. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

### **Section 3. California Environmental Quality Act (CEQA).**

The adoption of this ordinance is exempt from the California Environmental Quality Act, based on 14 California Code of Regulations Section 15061(b)(3), where, as the case here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because no change in existing permitted uses of land results from adoption of this ordinance, and to the extent impacts associated with the proposed location of cultivation and manufacturing facilities exist, they have been previously addressed in other environmental documents.

### **Section 4. Severability.**

It is the intent of the City Council of the City of Del Rey Oaks to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

### **Section 5. Effective Date.**

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

ADOPTED BY THE COUNCIL OF THE CITY OF DEL REY OAKS THIS \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:  
ABSTAIN:

SIGNED:

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Scott Donaldson, Mayor

ATTEST:

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Karen Minami, City Clerk



# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 FAX (831) 394-6421

**DATE:** March 26, 2024

**TO:** Honorable Chair and Council Members

**FROM:** Denise Duffy, City Planning Consultant

**SUBJECT:** 2023 General Plan Annual Progress Report Council Report

**PURPOSE:** Annual Progress Report on the General Plan and Housing Element

**Annual Progress Report:** Government Code section 65400(a)(2)(A) requires each City and County to provide an annual progress report to the Office of Planning and Research (OPR) and Housing and Community Development department (HCD) on the status of the general plan and progress in implementation of housing policies and programs since the previous reporting year. A primary purpose of this reporting is to detail the progress each jurisdiction has made in meeting the jurisdiction's share of regional housing needs allocation (RHNA) determined pursuant to Government Code section 65584, as well as updates on local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code section 65583(c)(3) (Id. at § 65400(a)(2)(B)). The general requirements to the General Plan Annual Progress Report (APR) and Housing Element APR are addressed below.

**Requirements and Timing:** The annual progress reports must be provided to the OPR and HCD on or before April 1<sup>st</sup> of each year. Jurisdictions report on a calendar-year basis (January 1 through December 31). There is no standardized format for the preparation of an APR for the General Plan. The form and content of the report may vary based on the circumstances, resources, and constraints of each jurisdiction. The City has prepared and submitted these reports annually.

**2023 General Plan Annual Progress Report:** The 2023 APR incorporates the adopted 2022 APR submitted in 2023. The purpose of an APR is to review progress made in implementing programs; it is not a review of adequacy of the adopted programs. The previous reporting in past years provided a comprehensive review of progress made on the City General Plan, including comprehensive listings of general plan policies, categorized by element.

As noted above, an APR is meant to review progress in implementing programs, and is not meant for a full General Plan review of individual policies or programs, or an assessment of the adequacy of the adopted programs. The assessment notes how, or if a policy was implemented during the reporting period (i.e., a description of any current or past year's activities were completed for implementation of a cited policy). The APR notes if any progress or implementation actions were taken related to the General Plan programs.

Note: This year, rather than individually detail each General Plan policy or program, as in past years, the General Plan APR is included, as noted below.

The most recent APR, adopted by the City Council in March 2023, continues to be applicable to this current APR reporting period. No changes were significant between the two reporting years in General Plan implementation.

Planning Commission and City Council considered the APR and recommended approval of the APR in 2023. Minor amendments corrections and additions were identified during hearings in 2023 and incorporated in the APR that was sent to HCD and OPR. No major implementation of policies and programs were identified for the reporting year 2023 related to General Plan implementation; the City focused efforts on development of Housing Element Programs, particularly updates to the adopted Housing Element for the City.

**2023 Housing Element Annual Progress Report:** Each jurisdiction (city council or board of supervisors) must also prepare and submit an APR on the jurisdiction's status and progress in implementing its Housing Element (Government Code Section 65400.). Each jurisdiction's Housing Element APR must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1<sup>st</sup> of each year and it covers the previous calendar year (January 1 to December 31, 2023). The purpose of the APR is to provide information regarding local agency progress in meeting its share of RHNA and removing governmental constraints to the development of housing pursuant to Government Code section 65583(c)(3). The focus of the report is progress made since the last reporting period. Since the City adopted a new Housing Element in 2023, the City Housing Element APR uses the program information in the Updated Housing Element submitted to HCD.

The 2023 APR incorporates the 2023 General Plan Annual Progress Report and the 2023 Housing Element Annual Progress Report; these documents collectively represent the APR review as required for the 2023 APR. The 2023 APR is attached to this Staff Report as **Attachment A**.

**CEQA:** This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15378 as it is an organizational activity of the City that will not result in direct or indirect physical changes in the environment.

#### **Recommendation by City Staff:**

1. Open Public Hearing and Consider Comments
2. Consider Recommendation from Planning Commission and approve Resolution 2024-01 and direct submittal to HCD/OPR

**Planning Commission Consideration:** Planning Commission held a public hearing on March 13, 2024 to consider and recommend approval of the Draft 2023 Annual Progress Report on the Implementation of the General Plan of the Housing Element to City Council. No comments from the public were made during the meeting and no changes to the documents were required as a result of the meeting. Planning Commission recommended approval to the City Council for consideration during the regular Planning Commission Meeting on March 13, 2024.

#### **Consideration by City Council:**

1. Consider Recommendation from Planning Commission regarding the Draft 2023 Annual Progress Report on the Implementation of the General Plan and of the Housing Element
2. Approve Resolution 2024-01 and direct submittal to HCD/OPR



Attachments

A. Draft City of Del Rey Oaks 2023 General Plan Annual Progress Report

Respectfully submitted,

*Denise Duffy*

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Denise Duffy



# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 FAX (831) 394-6421

## Draft City of Del Rey Oaks

### 2023 General Plan Annual Progress Report

March 26, 2024

### Annual Progress Report

#### 1.0 Introduction and Summary

Government Code Section 65400 requires the City to prepare an annual report on the status of the City's General Plan (Plan) and progress in its implementation (2023 General Plan Progress Annual Report). This Annual Progress Report (APR) must be provided to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). The APR supplies a means to monitor the success of implementing the General Plan and determine if changes are needed in the Plan or in the implementation of its programs. The APR also provides information on the City's progress in meeting its share of regional housing needs allocation (RHNA) and summarizes the degree to which the General Plan complies with statutory requirement pursuant to Government Code Section 65040.2.

The format and content of this Annual Progress Report was prepared in accordance with the State's submittal requirements under California Government Code Section 65400. This General Plan Annual Progress Report is a reporting document and does not create or alter policy. The content is provided for informational purposes only and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306. The APR is meant as a progress document, with reporting required to be completed each year on the previous calendar-year (January 1 through December 31).

**Updates:** The Del Rey Oaks (City) General Plan was last updated in December 2023, with the adoption of the 6th Cycle Housing Element.<sup>1</sup> The original City General Plan was adopted in 1988. An update to the General Plan was approved in 1997 for lands within the former Fort Ord. This update approved land use designations and policies for the City's lands within City areas of former Fort Ord. The current General Plan contains policies and programs from the original General Plan, as well as policies from the 1997 General Plan Update for the former Fort Ord area. The current General Plan also includes the updated 2023 Housing Element. The major 2023 General Plan revision was amending the land use designations within the City owned portions of former Fort Ord to allow residential uses to meet regional housing needs. The General Plan has had no other updates during this reporting year (2023).

<sup>1</sup> The General Plan was also updated in 2023 with the 5th Cycle Update to the Housing Element.

## 2.0 APR Reviews

An APR is meant to address the progress the City has made towards implementing the actions of the General Plan. Although no major updates to the City General Plan have occurred over the years, the City has conducted annual comprehensive reviews of the City's policies in the past – most recently in 2022 and 2023 reporting years. The Planning Commission and City Council each held several public meetings to comprehensively review the implementation progress and status of each of the City's General Plan updates prior to submittal of each APR for the City of Del Rey Oaks. During these meetings, individual policies of the General Plan were reviewed, relevant projects undertaken by the City were identified, and progress on the implementation was discussed. The last General Plan APR (the 2022 APR) was considered and approved in March, 2023 by the City Council and reviewed in February, 2023, by the Planning Commission.

### 3.0 General Plan Implementation Progress

The major 2023 General Plan revision was amending the land use designations within the City owned portions of former Fort Ord to allow residential uses to meet regional housing needs. The General Plan has had no other updates during this reporting year (2023). There has not been any major change in policies to the General Plan nor any substantial change since the 2022 APR was submitted to HCD/OPR, other than noted above. Note: the purpose of the APR is a report on progress toward implementation of policies and programs. An APR is not meant as a refinement or revision to the City's General Plan. However, previous City comments on the General Plan are highlighted below:

- The General Plan includes a number of overall concepts/policies that are still current and compatible with the current vision and quality of life values of the City.
- The City has worked to progressively implement some of the policies outlined in each element of the City's General Plan, but the General Plan document needs updating in certain areas.
- In addition, Planning Commissioners and City Council members expressed support for adding policies related to climate change and to further consider those policies related to potential future development, particularly for housing and affordable housing availability.
- The City's General Plan policies need a comprehensive update, and the City Council affirmed this need in their comments on the APR in 2022 and 2023.
- The City has consistently reviewed the policy areas during annual meetings on the APR. In these meetings, the City identified policies that need updating, and noted additional steps would be needed to effectuate the General Plan more fully, or to update policies and programs related to issues facing the City today. Specific policy updates would be able to address current issues related to traffic, water, and land use.
- The Planning Commission expressed support for continuing review of the General Plan policies as part of future efforts to update the General Plan. This is consistent with City Council comments in 2022 and 2023.

#### **4.0 Housing Element Implementation Progress**

The City Planning Commission and City Council recognized the need for a Housing Element update; the 5th Cycle Housing Element was found compliant by HCD in 2023. The City also completed the 6th Housing Element Update and adopted the 6th Cycle Housing Element in December, 2023, as required by Government Code Section 65580 et seq. The 2023 Housing Element is a multi-year housing plan for the 6th Planning Cycle, 2023-2031 planning period. The City is working on revising the 6th Cycle Housing Element Update to meet HCD requirements. The City held numerous workshops on the Housing Element updates throughout 2023 and adopted required rezoning and a general plan update to allow housing in sites considered suitable during 2023. No other major implementation actions for the City Housing Element have occurred in 2023, as the City focused on completion of required rezoning and housing elements.

#### **5.0 APR 2023**

Public meetings at the Planning Commission and City Council allow for public input into the process prior to the APR report approval and submittal of the APR to the State.

This 2023 APR incorporates this report and the following attachment submitted to HCD on Housing Element Program status; these documents collectively represent the APR review as required for the 2023 APR.

#### Attachment

##### **A. HCD Housing Element APR Policy Implementation Status**

## Attachment A

### City of Del Rey Oaks 2023 Housing Element Annual Progress Report (HE APR) \*

*\* Note: Programs reflect the City Housing Element in effect in 2023 for majority of the year.*

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

Jurisdiction		Del Rey Oaks	
Reporting Year		2023	(Jan. 1 - Dec. 31)
<b>ATTACHMENT TO DEL REY OAKS ANNUAL PROGRESS REPORT</b>			
<b>Program Implementation Status pursuant to GC Section 65583</b>			
<p style="text-align: center;"><b>Housing Programs Progress Report</b></p> <p>Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.</p>			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program A.1 Accommodate the City's RHNA	Amend General Plan Land Use Map and Zoning Ordinance to allow residential uses as an allowed use for Site 1 and Site 1a by the third quarter of 2023.	3rd quarter 2023	The City amended the General Plan and adopted the Zoning Ordinance on October 24, 2023.
Program A.2 Develop written process for continued compliance with AB 2162	The City shall continue to comply with the requirements of state law AB 2162 (Chapter 753, statutes of 2018) and will develop a written process to adhere to the statutory requirements in accordance with state law.	4th quarter 2023	The legislation requires a local government to approve, within statutory timelines, a supportive housing development that complies with specified criteria. The City approved an updated ordinance to address AB 2162 compliance, including State required updates to the zoning ordinance related to emergency shelters, in December 2022. The City adopted an ADU ordinance in 2021.
Program B.1 Develop Inclusionary and Affordable Housing Requirements	The City will adopt an Inclusionary and Affordable Housing Ordinance that will require new residential development or redevelopment in the City to meet the City's RHNA requirements as identified in the AMBAG RHNA.	By the end of 4th quarter 2023	The City adopted the Affordable Housing Zoning Ordinance on October 24, 2023.

Program B.2 Facilitate Affordable Housing for All Income Levels	Actively seek funding opportunities to increase the supply of affordable housing for lower income households, analyze sites owned by the City to identify those that could be suitable to support affordable housing. Seek to leverage these funds with federal, state, and County HOME funds to increase the amount of affordable housing on housing strategy sites. Work with developers of housing strategy sites and non-profit developers to identify opportunities to increase the percentage of affordable housing by encouraging developers to apply for available funds and utilize other creative mechanisms.	Ongoing work with developers; report on funding annually to City Council	This program is an ongoing action, consistent with the City recently adopted Housing Element, 6th Cycle. The City is also working to secure a developer for the former Fort Ord site See also above item.
Program B.3 Utilize Section 8 Housing Choice Vouchers	The City, working with the Housing Authority of Monterey County (HAMC), shall provide information and incentives to property owners to encourage them to sign Section 8 agreements with the HAMC. The number of applications received will depend upon how many property owners apply for Section 8 agreements with the HAMC and City. This program could provide rental assistance to at least two or three renters per year.	First full active year 2022	The City updated their programs related to this in 2023; did not have an opportunity to implement this Program in 2023.
Program B.4 Preferential Housing for Del Rey Oaks Residents and Workers	Adopt a Preferential Housing Ordinance	4th quarter 2023	This program has been revised and updated for 6th Cycle; questions were raised on how to address this program to offer to Del Rey Oaks residents and workers on a preferential basis.

Program B.5 Develop a Density Bonus Ordinance Consistent with State law	Adopt a City Density Bonus Ordinance, consistent with Government Code and State Density Bonus Law	4th quarter 2023	The City currently follows State requirement for Density Bonus law. After researching this issue, the City determined working under the State requirements was the appropriate approach.
Program B.6 Facilitate Affordable Rental Units	City continues to research available funds to assist in the construction of affordable units (and accessory dwelling units) to low-income and very low-income households annually.	Anticipated to start seeking funding opportunities beginning 2020 and running into 2023	The City has filed and received LEAP and REAP grants in 2020 and REAP 2.0 in 2023, for use in updating the Housing Element for compliance in the 5th and 6th Cycle Planning period. The City will continue to pursue available funding.
Program C.1 Support efforts of public and private groups providing housing for the elderly and disabled, including assistance with obtaining permits and permit streamlining consistent with SB 35, or where appropriate, waiving City fees or regulatory requirements.	Review, and as needed, revise the site improvement standards and development procedures to meet the program objective.	By end of 4th quarter 2023	The City facilitated the development of ADUs in 2023, updated the City programs for ADUs and is currently working with HCD on refined programs. The City will continue to provide assistance to permitting housing consistent with State law.
Program C.2 Encourage the construction of Accessory Dwelling Units	The City will encourage the construction of ADUs by providing incentives such as waiver or reduction of development fees and expedited permit processing for ADU applications. The City will provide information concerning the City's amended ordinance at City Hall. The City will give an annual report on new secondary units constructed to City Council.	3rd quarter 2023	See above. The City adopted an ADU ordinance in 2021 and will continue to expedite permit processing for ADUs.
Program C.3 Mitigating Constraints	The City will review Zoning Ordinance amendments to mitigate constraints on housing.	3rd quarter 2023	The City regularly reviews City Zoning Ordinance to ensure regulatory constraints do not constrain housing development. As part of the Housing Element updates ongoing, zoning ordinance amendments and housing constraints have been reviewed. The City adopted ordinances and amendments for former Fort Ord sites for affordable housing in 2023.



Program C.4 Ensure the Availability of an Adequate Water Supply to Serve the Long-Term Housing Needs of the City	The City will continue to work with the MPWMD, MCWD, and other appropriate agencies through meetings and consultation to seek securement of sufficient water resources to meet the expected needs of projected housing development.	By the end of 2020 and throughout 5th Cycle	The City staff has been in discussion with MPWMD, MCWD, and AMBAG regarding Del Rey Oaks' water supply and RHNA. The City is working with the MPWMD to increase water allocated to affordable units, subject to State approval due to the existing water moratorium and State Cease and Desist Order. The City conducted outreach with MPWMD and MCWD on water availability for housing development. The City has an agreement with MCWD for water service and water supply for former Fort Ord development within City limits.
Program D.1 Promote Fair Housing by Providing Educational and Referral Materials	Provide Fair housing education materials at City Hall in English and Spanish, post information on the City website and provide information in City newsletter annually.	1st quarter 2023 and ongoing	The City is researching Fair Housing resources in English and Spanish to accommodate all the community members. The City commits to provide housing resources information in both English and Spanish.
Program D.2 Provide Opportunity for and Encourage the Development of Adequate Housing for the City's Special Needs Groups	The City will aim to update the Zoning Ordinance by the end of 2023. It will aim to identify at least one residential project by 2024 that is targeted for seniors and/or persons with mobility impairments. The City will monitor these programs through annual reports to the City Council, with the first annual report by the end of 2021.	Zoning Ordinance by 2023. Special Needs Group residential development by 2024. Annual Reporting by 2021.	The City adopted ordinances and amendments concerning the definition of "Family", emergency shelters, density bonuses, zoning for affordable housing in 2023. The City will continue to identify projects and provide annual reports to the City Council.
Program D.3 Special Needs Housing for Disabled Persons	Review zoning code and report to City Council on needed updates to address State law by first quarter 2023. Amendments to Zoning Code and the updated Housing Element shall be adopted by end of 2023.	By the end of 2023	See above. The City adopted a definition of "Family" and an emergency shelter ordinance in 2023, and an ADU ordinance in 2021. The City will continue to review the zoning code to identify and remove additional constraints and amend the Zoning Ordinance to ensure that future projects incorporate accessible design.
Program D.4 Support Programs to Reduce Homelessness	Amend the City Zoning Ordinance to include provisions for emergency shelters as needed by end of first quarter 2023.	By the end of 1st quarter 2023	The City adopted an emergency shelter ordinance in 2023.

Program D.5 Develop written process for continued compliance with AB 101	The City shall continue to comply with the requirements of AB 101 and develop a written compliance process to adhere to the statutory requirements in accordance with state law.	Ongoing AB 101 compliance. Written AB 101 compliance process by the end of 3rd quarter 2023	The City complies with the requirements of AB 101. Written compliance process was not completed.
Program E.1 Assist in Rehabilitating Housing	The City will investigate available low-interest loans, subsidies, and grants from federal and State agencies to provide rehabilitation funds. As funding becomes available, the City shall provide grants and/or low interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs, upgrades of major component systems, and modifications to accommodate disabilities.	Assist two households by the end of 2021	Subject to federal funding the City will look to assist an average of one to two households (ranging from single-family, multi-family, and mobile homes), dependent on need. The City is continuing to investigate available low-interest loans, subsidies, and grants from federal and State agencies.
Program E.2 Continue Code Enforcement	The City will continue to perform code enforcement for areas or homes with building code violations posing life and/or safety risks to occupants and/or significant property maintenance concerns and ensure that such violations are adequately abated.	Ongoing	No code violations have been identified. When code violations are cited, enforcement officers will provide a list of potential funding sources to homeowners. No timeline as this is an ongoing action.
Program E.3 Energy Conservation and Energy Efficient Opportunities	Information detailing energy conservation programs shall be provided at the City Hall and shall be included on the City's website and updated at least once per year. Energy conservation programs targeted to low-income households shall be promoted in the City newsletter at least once per year and available at the City Hall.	Annually by December of each year	The City continues to research alternative energy conservation programs targeted for all citizens.

## Resolution No. 2024-01

### Resolution of the City Council of the City of Del Rey Oaks, California Approving the 2023 Annual Progress Report on the Implementation of the General Plan

**Whereas**, the State of California requires non-charter cities and counties to have adopted a General Plan to provide guidance and direction for develop activities; and,

**Whereas**, the City of Del Rey Oaks current General Plan was adopted in December 1998, Resolution No. 98-20; and updated in December 2023 with the adoption of the City Housing Element;

**Whereas**, the General Plan contains the seven State-required elements, and one additional element as follows: Land Use Element, Circulation Element, Public Services Element, Parks and Recreation Element, Open Space/Conservation Element, Noise Element, Implementation Element, and Housing Element; and,

**Whereas**, each element of the General Plan concludes with a set of implementation actions and programs that are intended to carry out a policy and achieve specific objectives; and,

**Whereas**, California Government Code Section 65400(a)(2)(A) requires the City to annually prepare a report regarding the status of the City’s general Plan and progress in its implementation (“report”); and,

**Whereas**, California Government Code Section 65400(a)(2)(B) requires the City to include in the report the City’s progress in meeting its share of regional housing needs; and

**Whereas**, California Government Code Section 65400(a)(2)(C) requires the City to include in the report an assessment of the degree to which the General Plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the General Plan; and,

**Whereas**, California Government Code Section 65400(a)(2) requires the City to submit the report to the Governor’s Office of Planning and Research (“OPR”) and HCD by April 1 of each year; and

**Whereas**, the Planning Commission scheduled a public meeting on the 2023 General Plan Annual Report (“Annual Progress Report”) for March 13, 2024 where all interested persons had an opportunity to be heard; and

**Whereas**, the City Council considered the entire administrative record, including the staff reports, the contents of the Annual Report, a copy of which is attached hereto as **Attachment A**, and oral and written testimony from interested persons.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEL REY OAKS AS FOLLOWS:**

**SECTION 1.** That the City of Del Rey Oaks has completed the 2023 Annual Report as required by California Government Code section 65400.

**SECTION 2.** That the 2023 Annual Report provided is found to be consistent with the suggested content by the State Guidelines and is hereby accepted.

**SECTION 3.** That Denise Duffy and Associates, on behalf of the City as the City's Planning Consultant, is hereby authorized and directed to submit the 2023 Annual Progress Report to the Governor's Office of Planning and Research (OPR) and HCD.

**APPROVED AND ADOPTED** by the City Council of the City of Del Rey Oaks at a regular meeting held on the 26th day of March, 2024.

Ayes: Council Members:

Noes: Council Members:

Absent: Council Members:

City of Del Rey Oaks, California

---

Scott Donaldson, Mayor

Attest:

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Karen Minami, City Clerk  
City of Del Rey Oaks



# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 FAX (831) 394-6421

**DATE:** March 26, 2024

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Approve a Reimbursement Agreement with Monterey Peninsula Properties and a Proposal from Denise Duffy & Associates to Contract for Environmental Review on the Former Fort Ord

**CEQA:** This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an organizational activity of the City that will not result in direct or indirect physical changes in the environment.

## Recommendation

It is recommended that the Council approve a reimbursement agreement with Monterey Peninsula Properties (MPP) for contract services with Denise Duffy & Associates (DD&A) for environmental review on MPP's properties on the former Fort Ord. Authorize the City Manager to sign and execute the agreements subject to final review and approval of the City Attorney.

## Discussion

Monterey Peninsula Properties wish to engage Denise Duffy & Associates, the City's contracted planning and environmental services provider, to provide biological consulting services for their two properties located in the City of Del Rey Oaks on the former Fort Ord. The two properties total approximately 77 acres. Under the agreement, DD&A will conduct focused special-status plant surveys at the two sites to support the environmental review process.

MPP understands that all work performed by the City and/or DDA related to the project will be under the direction of the City, but at MPP's expense.

The City will utilize the standard reimbursement agreement to be drafted and approved by the City Attorney.

## Fiscal Impacts

The cost estimate for the DD&A services is \$27,512. The costs associate with the environmental review will be reimbursed by the property owners, MPP.

**Attachments**

- DD&A Proposal

Respectfully submitted,

---

John Guertin  
City Manager



**DENISE DUFFY & ASSOCIATES, INC.**  
PLANNING AND ENVIRONMENTAL CONSULTING

March 22, 2024

John Guertin  
City Manager  
City of Del Rey Oaks  
650 Canyon Del Rey Blvd  
Del Rey Oaks, CA 93940

**SUBJECT: Proposal to Provide Biological Consulting Services for the Monterey Peninsula Properties, LLC.**

Dear Mr. Guertin,

Denise Duffy & Associates, Inc. (DD&A) is pleased to submit a proposal to provide biological consulting services for two properties owned by Monterey Peninsula Properties, LLC. (property owner) located in the City of Del Rey Oaks (City). The two properties total approximately 77 acres. The property owner is requesting a proposal to conduct focused special-status plant surveys at the two sites to support the environmental review process.

Please find a proposal to conduct the protocol-level surveys and prepare a memorandum summarizing the survey results enclosed for your consideration. As we discussed, DD&A would contract directly with the City and be reimbursed by the property owner.

Please do not hesitate to contact me at [eharwayne@ddaplanning.com](mailto:eharwayne@ddaplanning.com) if you have any questions regarding the proposal. If the attached proposal is acceptable, please sign and return a copy of the attached Authorization to Proceed form to [eharwayne@ddaplanning.com](mailto:eharwayne@ddaplanning.com). We look forward to providing continued environmental services to the City.

Sincerely,

Erin Harwayne, AICP  
Senior Project Manager/Environmental Scientist/Planner  
DENISE DUFFY & ASSOCIATES, INC.

## **SCOPE OF WORK**

### **Task 1. Project Initiation/Coordination**

DD&A will conduct pre-survey research utilizing available resources including the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Data Base (CNDDDB), U.S. Fish and Wildlife (USFWS) and CDFW occurrence reports, California Native Plant Society (CNPS) lists, local experts, and other published and unpublished materials as related to California Environmental Quality Act (CEQA) and other regulatory requirements. This task includes on-going coordination with the City and property owner through the contract, including email and phone communication and up to four (4) meetings.

### **Task 2. Field Surveys and Data Collection**

DD&A biologists will visit the two sites to assess the environmental conditions of the sites and their surroundings. The field review will include an evaluation and mapping of general and sensitive habitat features, and identification of the presence or potential presence of sensitive biological resources within the survey areas and the local vicinity. Additionally, focused botanical surveys will be completed during the appropriate blooming period for special-status plant species with the potential to occur within the survey areas. It is anticipated that early spring, spring, and summer season surveys will be required. This scope of work does not include protocol-level wildlife surveys. If determined necessary and if requested by the property owner, DD&A can prepare an amendment to this scope of work to conduct additional surveys.

### **Task 3. Survey Memorandum**

DD&A will prepare a draft memorandum describing the methods and results of the survey efforts, including figures depicting any rare plants observed. DD&A will provide the draft memorandum to the City and property owner for review and comment, and then submit a final memorandum after incorporating one round of comments.

## **BUDGET**

The cost estimate for the biological services described above is \$27,512.

## **SCHEDULE**

These services will be completed by July 31, 2024.



**DD&A  
Cost Estimate  
for  
Biological Consulting Services for Monterey Peninsula Properties, LLC.**

Task		Principal	Senior Project Manager	Assoc. Scientist	Asst. Scientist	GIS/Computer Specialist	Admin/Editing	Hours Per Task	Expenses	Admin Fee	Cost Per Task
1	Project Initiation/Coordination	4	10	2	4	1	2	23	50	\$ 8	4,063.50
2	Focused Rare Plant Surveys (3 survey efforts, 77 acres)		2	80	80	4	1	167	350	\$ 53	21,672.50
3	Rare Plant Survey Memorandum		2	2	4	4	2	14		\$ -	1,776.00
	Total Hours	4	14	84	88	9	5	204			
	Hourly Rate	\$265.00	\$192.00	\$134.00	\$120.00	\$122.00	\$78.00				
	Total Labor	\$ 1,060	\$ 2,688	\$ 11,256	\$ 10,560	\$ 1,098	\$ 390				\$ 27,512
<b>Total Budget</b>											\$ 27,512

## AUTHORIZATION TO PROCEED



*Note: If the scope and fee described in the Denise Duffy & Associates, Inc. attached proposal are acceptable, please sign and return a copy of this authorization form for our files. The signature below also serves as acceptance of Denise Duffy & Associates, Inc. Standard Terms and Conditions, attached. Thank you.*

**Project Name:** Biological Consulting Services for Monterey Peninsula Properties, LLC.

**Accepted by (signature):** \_\_\_\_\_ **Dated:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**On Behalf of:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fee/Scope Confirmation:** Scope as outlined in proposal dated March 21, 2024, for a not-to-exceed amount of \$27,512.00.

**Existing Contract Date, if applicable:** \_\_\_\_\_

**If invoice should be sent to a different person or location, please complete below:**

**Mailing Address:** \_\_\_\_\_

**Attention:** \_\_\_\_\_

**Return to:** Denise Duffy & Associates, Inc.  
947 Cass Street, Suite 5  
Monterey, CA 93940

Or email: [mechevarria@ddaplanning.com](mailto:mechevarria@ddaplanning.com)

## DENISE DUFFY & ASSOCIATES, Inc. STANDARD TERMS AND CONDITIONS

<b>Invoices</b>	Denise Duffy & Associates, Inc. will submit progress invoices to Client at least as frequently as monthly and a final bill upon completion of services. Each invoice is due on presentation and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge equal to 1.5% on undisputed past-due accounts.								
<b>Workers' Compensation Insurance</b>	Denise Duffy & Associates, Inc is protected by Worker's Compensation Insurance as required by applicable state law. Proof of insurance will be provided to Client upon request.								
<b>General Liability Insurance and Limitation</b>	<p>Denise Duffy &amp; Associates, Inc. is covered by, and agrees to maintain, general liability insurance for bodily injury and property damage arising directly from its negligent acts or omissions, with limits as specified below. Certificates of insurance shall be provided to Client upon request. Denise Duffy &amp; Associates, Inc. shall not be responsible for any loss, damage or liability beyond the amounts, limits and conditions of such insurance as noted below. Denise Duffy &amp; Associates, Inc. shall not be responsible for any loss, damage or liability arising from any act or omission by Client, its agents, staff, other consultants, independent contractors, third parties or others working on the project that have not been hired by Denise Duffy &amp; Associates, Inc. and over which Denise Duffy &amp; Associates, Inc. has no supervision or control.</p> <table> <tr> <th><u>COVERAGES</u></th><th><u>LIMITS OF LIABILITY</u></th></tr> <tr> <td><u>General Liability</u> (Including Bodily Injury, Property Damage and Contractual Liability)</td><td>\$1,000,000 each Occurrence  \$2,000,000 Aggregate</td></tr> <tr> <td><u>Automobile Liability</u> (Including Bodily Injury and Property Damage)</td><td>\$1,000,000 each Occurrence</td></tr> <tr> <td><u>Professional Liability</u></td><td>\$1,000,000 each Occurrence \$1,000,000 Aggregate</td></tr> </table>	<u>COVERAGES</u>	<u>LIMITS OF LIABILITY</u>	<u>General Liability</u> (Including Bodily Injury, Property Damage and Contractual Liability)	\$1,000,000 each Occurrence  \$2,000,000 Aggregate	<u>Automobile Liability</u> (Including Bodily Injury and Property Damage)	\$1,000,000 each Occurrence	<u>Professional Liability</u>	\$1,000,000 each Occurrence \$1,000,000 Aggregate
<u>COVERAGES</u>	<u>LIMITS OF LIABILITY</u>								
<u>General Liability</u> (Including Bodily Injury, Property Damage and Contractual Liability)	\$1,000,000 each Occurrence  \$2,000,000 Aggregate								
<u>Automobile Liability</u> (Including Bodily Injury and Property Damage)	\$1,000,000 each Occurrence								
<u>Professional Liability</u>	\$1,000,000 each Occurrence \$1,000,000 Aggregate								
<b>Termination</b>	This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure of performance by the other party or if the Client suspends the work for more than three months. In the event of termination, Denise Duffy & Associates, Inc. shall be paid for the services performed prior to the termination notice date plus reasonable termination expenses, including the cost of completing analysis, records and reports necessary to document job status at the time of termination.								

<b>Fees</b>	<p>Denise Duffy &amp; Associates, Inc. agrees to provide services covered by this Agreement on a time and material basis.</p> <p>If the project requirements expand beyond the scope of services covered by this Agreement, an additional Service Agreement or a written addendum to this Agreement shall be entered into to cover the revised scope and fee. Should Client authorize a revision in the scope of services without a revision to this agreement, Denise Duffy &amp; Associates, Inc. shall be compensated for the services actually performed.</p>
<b>Notices</b>	<p>Communications from the Client shall be to Denise Duffy &amp; Associates, Inc. designated Project Manager or to the Denise Duffy &amp; Associates, Inc. Principal-in-Charge of the project. Verbal communications shall be confirmed in writing.</p>
<b>Disputes</b>	<p>If a dispute arises regarding the performance of the services covered by this Agreement, and legal or other costs are incurred, it is agreed that the prevailing party shall be entitled to recover all reasonable costs incurred in the defense of the claim, including staff time at current billing rates, court costs, attorney's fees, and other claim-related expenses.</p>
<b>Indemnification</b>	<p>Client and Denise Duffy &amp; Associates, Inc. each agrees to indemnify and hold harmless the other (Indemnitor and Indemnatee), and their respective officers, directors, partners, authorized agents and employees from and against any damages, losses, liabilities, judgments, settlements, expenses, and costs (including reasonable and necessary attorneys' fees, costs and expenses), arising out of the death or bodily injury to any person or destruction or damage to any property, to the extent caused by the Indemnitor's negligent acts, errors or omissions, or willful misconduct in the performance of services under this Agreement and anyone for whom the Indemnitor is legally liable.</p> <p>Indemnitor shall only be required to reimburse Indemnatee for its reasonable defense fees and costs, including reasonable attorney's fees, costs and expenses, in direct proportion to Indemnitor's negligence on a percentage basis as ultimately determined by a court of competent jurisdiction and further, only to the extent such fees and costs were directly attributable to Indemnatee's defense of a suit based on Indemnitor's actual negligence.</p> <p>The Indemnitor is not obligated to indemnify the Indemnatee for the Indemnatee's own negligence or willful misconduct</p>
<b>Entire Agreement</b>	<p>These General Conditions shall be used in combination with a Service Agreement, a proposal, or a contract. These combined documents shall be the entire Agreement and shall supersede any other agreement between Client and Denise Duffy &amp; Associates, Inc. relating to the subject matter. In case of conflict or inconsistency between these General Conditions and any other contract documents, the stricter provisions shall control.</p>



## Staff Report

**DATE:** March 26, 2024

**TO:** Honorable Mayor and Members of City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Letter of Opposition to Initiative 21-0042A1

**CEQA:** This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Recommendation

Authorize the Mayor to sign a letter opposing Initiative 21-0042A1, also known as the California Business Roundtable "Taxpayer Protection and Government Accountability Act."

### Background

On January 4, 2022, the California Business Roundtable filed the "Taxpayer Protection and Government Accountability Act" or AG# 21-0042A1. On February 1, 2023, the measure qualified for the November 2024 ballot. The initiative would make it more difficult for voters to pass measures needed to fund local services and projects, and would put initiatives passed by voters after January 2022 in jeopardy. Council is being asked to authorize the Mayor to sign a letter in opposition of the initiative.

### Summary

The Taxpayer Protection and Government Accountability Act would amend the California Constitution with provisions that limit voters' authority and input, adopt new and stricter rules for raising taxes and fees, and may make it more difficult to impose fines and penalties for violation of state and local laws. The measure puts billions of local government tax and fee revenues at risk statewide with related core public service impacts.

### Major Provisions

#### Fees and Charges:

- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.
- Requires fees and charges paid for the use of local and state government property and the amount paid to purchase or rent government property to be "reasonable." These fees and charges are currently allowed to be market-based. Whether the amount is "reasonable"

(introducing a new legal standard aiming to force below market fee and charge amounts) must be proved by "clear and convincing evidence." The standard may significantly reduce the amount large companies (e.g., oil, utilities, gas, railroads, garbage/refuse, cable, and other corporations) will pay for the use of local public property.

- Prohibits fees on new development based on vehicle miles traveled.

#### Taxes:

- Taxes and fees adopted after January 1, 2022, that do not comply with the new rules, are void unless reenacted.
- Invalidates Upland decision that allows a majority of local voters to pass special taxes. The measure specifies that taxes proposed by the initiative are subject to the same rules as taxes placed on the ballot by a city council.
- Expressly prohibits local advisory measures which allow local voters to express a preference for how local general tax dollars should be spent.
- Requires voter approval to expand existing taxes (e.g., Utility, Transient Occupancy) to new territory (e.g., annexations) or to expand the tax base (e.g., new utility service).
- New taxes can only be imposed for a specific time period.
- City charters may not be amended to include a tax or fee.
- All state taxes require majority voter approval.

#### Fines and Penalties:

- May require voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

### Discussion

On January 4, 2022, the California Business Roundtable filed the "Taxpayer Protection and Government Accountability Act" or AG# 21-0042A1. On Feb. 1, 2023, the measure qualified for the November 2024 ballot.

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative. Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions, including the voter approved provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters and local government tax and fee authority.

#### Fees and Taxes

Local governments levy a variety of fees and other charges to provide core public services. Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.
- Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, Cal Cities estimates the amount of local government fee and charge revenue at risk is approximately \$2 billion per year including those adopted since January 1, 2022. Over ten years, \$20 billion of local government fee and charge revenues will be at heightened legal peril.

Reductions on local government tax revenues have impacts on core services and infrastructure including fire and emergency response, law enforcement, streets and roads, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention, and mental health services.

### Fines and Penalties

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a continuing violation to correct or remedy the violation [Gov't Code 53069.4].
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [Merco Construction Engineers v. Los Angeles Unified School District (1969) 274 CA 2d 154, 166].
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively imposed fines and penalties into taxes unless a new, undefined, and ambiguous "adjudicatory due process" is followed. This provision may put at risk authority to impose fines and penalties for violations of state and local law.

### Conclusion

Should ballot initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act, pass, the City of Del Rey Oaks would be greatly impacted in its ability to raise taxes and fees needed to provide city services. Therefore, the City Manager recommends the Council authorize the Mayor to sign the attached letter to the League of California Cities in order to have the City of Del Rey Oaks join the No on Initiative 21-0042A1 coalition of public safety, education, labor, local government, and infrastructure groups throughout the State.

### **Fiscal Impacts**

There is no fiscal impact associated with this action. Future impacts to City revenues will need to be evaluated if the measure passes.

**ATTACHMENTS:**

Attachment 1 – Letter of Opposition to Initiative 21-0042A1

Respectfully Submitted,

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John Guertin  
City Manager





# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 FAX (831) 394-6421

March 26, 2024

Bismark Obando  
Director of Public Affairs, League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

## Re: Letter Opposing Initiative 21-0042A1

On March 26, 2024, the Del Rey Oaks City Council voted to oppose Initiative 21-0042A1, a deceptive, developer-sponsored proposition aimed for the November 2024 statewide ballot that would significantly jeopardize cities' ability to provide essential services and infrastructure for our residents.

The measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and projects and would limit voter input by prohibiting local advisory measures where voters can express a preference on how they want their local tax dollars spent.

This measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including impacts on local infrastructure and our environment.

This measure also may make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Unless defeated, the measure puts billions of dollars currently dedicated to local services at risk, and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more.

The proposed initiative would post a significant challenge to the City, hampering its ability to maintain revenues at a level to effectively and efficiently provide needed services for the community.

You may list the City of Del Rey Oaks in formal opposition to Initiative #21-0042A1 and include our City as part of the growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state opposed to this deceptive proposition.

Sincerely,

Scott Donaldson  
Mayor  
City of Del Rey Oaks



## Staff Report

**DATE:** March 26, 2024

**TO:** Honorable Mayor and Members of City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Consider Three-year Contract with Chavan & Associates for Annual Audit Services

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Recommendation

Approve a three-year contract with Chavan & Associates to provide financial statement audits for the fiscal years ending 2024 through 2026.

### Background

Each year the City is required by law to conduct an independent audit of the previous year’s financial statements. The City has utilized Chavan & Associates as its independent auditing firm since fiscal year 2015.

### Summary & Discussion

The City has utilized Chavan & Associates its independent auditor for the past several years. During that time, Chavan & Associates has provided three specific services: the required financial statements audit, the required TAMC Measure X audit, and a true-up audit related to the police services agreement with the Monterey Peninsula Airport District.

Chavan & Associates is intimately familiar with the City’s financial and accounting procedures, fiscal history, and the challenges it faces with limited resources and staff. Chavan & Associates has a history of working well with staff and with our contract accounting personnel. Because of the City’s history of working with Chavan & Associates, their knowledge of its finance and accounting practices, and Chavan & Associates past work quality, Staff believes that a three-year contract for their services would be appropriate. A three-year contract would lock-in current market rates for the term of the contract and save staff time revisiting the contract on a yearly basis.

### Fiscal Impacts

The yearly breakdown of services will be:

Fiscal year ending June 30, 2024 - \$40,075  
Fiscal year ending June 30, 2024 - \$40,900  
Fiscal year ending June 30, 2024 - \$42,525

### ATTACHMENTS:

- Letter of understanding Financial Statements Audit
- Letter of understanding Measure X Audit
- Letter of understanding Airport Police Services True-Up

Respectfully Submitted,

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John Guertin  
City Manager



**Chavan and Associates, LLP**  
Certified Public Accountants

March 18, 2024

City of Del Rey Oaks  
650 Canyon Del Rey Rd.  
Del Rey Oaks, CA 93940

We are pleased to confirm our understanding of the services we are to provide for the City of Del Rey Oaks (the “City”) for the fiscal years ending June 30, 2024, 2025 and 2026. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City and the related notes to the financial statements, which collectively comprise the City’s basic financial statements. In addition, we will perform the services as noted in **Exhibit A**, as applicable each fiscal year. We are pleased to confirm our acceptance of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit.

Accounting principles generally accepted in the United States of America, (U.S. GAAP), as promulgated by the Governmental Accounting Standards Board (GASB), require that the items noted below be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America, (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation and comparing the information for consistency with management’s responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP and will be subjected to certain limited procedures but will not be audited:

1. Management’s discussion and analysis.
2. Major fund budget to actual schedules.
3. Pension schedules.
4. Other postemployment benefit schedules.

**Supplementary Information Other than RSI**

Supplementary information other than RSI will accompany the City’s basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with U.S. GAAS.



**Chavan and Associates, LLP**  
Certified Public Accountants

We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Nonmajor governmental fund combining balance sheets and schedules of revenues, expenditures and changes in fund balances.

**Audit of the Financial Statements**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America (GAGAS). Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Our responsibility as auditors is limited to the period(s) covered by our audit and does not extend to any other periods.



**Chavan and Associates, LLP**  
Certified Public Accountants

We will issue a written report upon completion of our audit of the City's basic financial statements. Our report will be addressed to the governing body of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

### **Management's Responsibilities**

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
3. For the design, implementation, and maintenance of internal control over compliance;
4. For identifying and ensuring that the City complies with laws, regulations, grants, and contracts applicable to its activities and implementing systems designed to achieve compliance with applicable laws, regulations, grants, and contracts applicable to activities;
5. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
6. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
7. For making the auditor aware of any significant vendor / contractor relationships where the vendor / contractor is responsible for program compliance;
8. To provide us with:
  - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to federal award programs, such as records, documentation, and other matters;



**Chavan and Associates, LLP**  
Certified Public Accountants

- b. Additional information that we may request from management for the purpose of the audit; and
  - c. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
9. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by the City's auditor;
  10. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
  11. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
  12. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
  13. For informing us of any known or suspected fraud affecting the City involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials;
  14. For the accuracy and completeness of all information provided;
  15. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
  16. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding the supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our reports thereon.

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.





**Chavan and Associates, LLP**  
Certified Public Accountants

**Audit Administration and Fees**

Our all-inclusive maximum fee for these services will be as follows (**see Exhibit A**):

Fiscal year ending June 30, 2024	\$31,675
Fiscal year ending June 30, 2025	\$32,500
Fiscal year ending June 30, 2026	\$34,125

Our fees include out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.).

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit as follows:

Engagement Partner	\$400 per hour
Associate Partner	\$350 per hour
Manager	\$200 per hour
Senior Auditor	\$150 per hour
Staff Auditor	\$125 per hour
Administrative	\$100 per hour

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes thirty days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report.

You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If cooperation is not provided as anticipated and at a level that hinders the progress of the services to be provided, we retain the right to terminate the contract for cause with thirty (30) days' notice. During that time, the City will have the opportunity to provide the cooperation required to complete the audit and C&A may rescind the cancellation.

If the services to be performed by C&A are not performed in an acceptable manner to the City, the City may cancel this contract for cause by providing notice to C&A, giving at least thirty (30) days' notice of the proposed cancellation and the reasons for same. During that time period, C&A may seek to bring the performance of services to a level that is acceptable to the City, and the City may rescind the cancellation if such action is in City's best interest. Notwithstanding the above provisions, the City may, upon the expiration of thirty (30) days written notice to C&A, terminate the agreement at will. Payment for services or goods received prior to termination shall be made by the City provided those goods or services were provided in a manner acceptable to the City. Payment for those goods and services shall not be unreasonably withheld.





## Chavan and Associates, LLP

Certified Public Accountants

**Khoa (Paul) Pham, CPA**, is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Chavan & Associates LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

### Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

The audit documentation for this engagement is the property of Chavan & Associates LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to state and federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Chavan & Associates LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report.

We will be available during the year to consult with you on financial management and accounting matters of a routine nature. You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

With respect to any nonattest services we perform, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Nonattest services include the preparation of the audited financial statements, note disclosures, supplemental information (as noted above), conversion entries, and the state controller's annual reports that are derived from the audited financial statements. These items will be prepared from information prepared and provided by the City during our audit, such as the City's trial balance.



**Chavan and Associates, LLP**  
Certified Public Accountants

We will not assume management responsibilities on behalf of the City. However, we will provide advice and recommendations to assist management in performing its responsibilities.

Our responsibilities and limitations of the engagement are as follows:

- We will perform the services in accordance with applicable professional standards, including GAAS and GAGAS, as previously noted.
- This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm will advise the City with regard the nonattest services provided, but the City must make all decisions with regard to those matters.

*Government Auditing Standards* require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

At the conclusion of our audit engagement, we will communicate to management and the Council the following significant items from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, a copy of our latest external peer review report of our firm is available upon request or on our website.



**Chavan and Associates, LLP**  
Certified Public Accountants

If the foregoing is in accordance with your understanding, please indicate your agreement by signing this letter and emailing it to us at [info@cnallp.com](mailto:info@cnallp.com). If you have any questions, please let us know.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Very truly yours,

Khoa (Paul) Pham, CPA, Partner  
Chavan & Associates, LLP

RESPONSE:

This letter correctly sets forth the understanding of the City of Del Rey Oaks.

Signature:

Title:

Date:



**Chavan and Associates, LLP**  
Certified Public Accountants

## Exhibit A

<b>Audit Services</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
City Audit and Reports	\$ 27,675	\$ 28,500	\$ 30,125
SCO Annual Financial Transactions Report	2,500	2,500	2,500
SCO Annual Streets Report	1,500	1,500	1,500
Meals, Lodging and Transportation	Included	Included	Included
Management Letters	Included	Included	Included
Printing/Copying	Included	Included	Included
<b>Total All-Inclusive Maximum Price</b>	<b>\$ 31,675</b>	<b>\$ 32,500</b>	<b>\$ 34,125</b>



**Chavan and Associates, LLP**  
Certified Public Accountants

March 18, 2024

City of Del Rey Oaks  
650 Canyon Del Rey Rd.  
Del Rey Oaks, CA 93940

This letter sets forth our understanding for applying agreed-upon procedures to assist you in determining City of Del Rey Oaks' (the City) cost of police services to be charged to the Monterey Peninsula Airport District (the District), for the periods ending June 30, 2024, 2025 and 2026. Management is responsible for accounting records and is responsible for maintaining compliance with the terms outlined in the agreement with the Monterey Peninsula Airport District to provide law enforcement services.

This engagement is solely for the purpose of reporting our findings regarding the results of the procedures performed. This report is intended for use by management and is expected to be restricted to the use by management.

Prior to the completion of the engagement, you agree to provide us with written agreement and acknowledgment that the procedures performed are appropriate for the intended purpose of the engagement as noted above.

We will analyze, review and recalculate the City's costs for providing police services, which will be used as the basis for allocating costs to the District. This will include the City's costs related to compensated absences, pension plans, OPEB plan, and other related liabilities directly attributed to police services. We will perform these agreed-upon procedures upon the completion of the City's financial audit for each fiscal year. We expect to issue our agreed upon procedures report no later than December 31<sup>st</sup> of each year.

Our engagement is limited to the specific services indicated above. We will conduct our engagement in accordance with the attestation standards for agreed-upon procedures engagements established by the American Institute of Certified Public Accountants (AICPA). We are responsible for carrying out the procedures and reporting findings in accordance with these standards. We have no responsibility to determine the differences between the procedures to be performed and the procedures that we would have determined to be necessary had we been engaged to perform another form of attestation engagement.

Our report will list the procedures performed and our findings. Our report will be addressed to City of Del Rey Oaks and will be intended for use by and restricted to the use of the specified parties as identified above. Our report will contain such restricted-use language. As such, using this report for anything other than the original intent of the agreed-upon procedures could mislead the readers. You must notify us immediately if the original users of the report change.

Should we have any reservations with respect to the subject matter, we will discuss them with you before the report is issued.



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Certified Public Accountants

We have no responsibility to update our report for events and circumstances occurring after the date of our report.

As part of our engagement, we will request from management, written confirmation concerning representations made to us in connection with the agreed upon procedures. You agree to provide such confirmation.

With respect to any nonattest services we perform, which includes the preparation of the City's financial statements, note disclosures, supplementary information and required supplementary information other than the MD&A as a part of a separate engagement to audit the City, we will not assume management responsibilities on behalf of the City. However, we will provide advice and recommendations to assist management of the City in performing its responsibilities.

City management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the engagement are as follows: We will perform the services in accordance with applicable professional standards; this engagement is limited to the services previously outlined above and in our audit engagement letter to the City. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

### **Service Administration and Fees**

Our all-inclusive maximum fee for these services will be **\$4,725** for each fiscal year. However, if we encounter unexpected circumstances that require us to devote more staff time to the engagement than anticipated, we will discuss the matter with you, and any additional fees required for increases in scope will be based upon the number of hours required by the staff assigned to complete the engagement.

Our invoices for these fees will be rendered as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes thirty days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If cooperation is not provided as anticipated and at a level that hinders the progress of the services to be provided, we retain the right to terminate the contract for cause with thirty (30) days' notice. During that time, the City will have the opportunity to provide the cooperation required to complete the engagement and C&A may rescind the cancellation.



**Chavan and Associates, LLP**  
Certified Public Accountants

If we elect to terminate our services for nonpayment, or for any other reason provided for in this letter, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us through the date of termination.

**Other Matters**

**Khoa (Paul) Pham** is the engagement partner for the services specified in this letter. His responsibilities include supervising our services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the report.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

In the event that we are or may be obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, and if such obligation is or may be a direct or indirect result of any inaccurate or incomplete information that you provide to us during the course of this engagement, you agree to indemnify us, defend us, and hold us harmless as against such obligation.

By your signature below, you acknowledge and understand that our engagement is limited in scope and will be confined to our agreed-upon procedures. Because these procedures do not constitute an examination, we will not express an opinion on these procedures, nor the sufficiency of these procedures for your intended purpose. In addition, as we will not audit or review the financial statements of City of Del Rey Oaks, we will not express an opinion or any other form of assurance on the financial statements, except as agreed to in a separate engagement letter.

This engagement letter is contractual in nature, and includes all of the relevant terms that will govern the engagement for which it has been prepared. The terms of this letter supersede any prior oral or written representations or commitments by or between the parties. Any material changes or additions to the terms set forth in this letter will only become effective if evidenced by a written amendment to this letter, signed by all of the parties.



**Chavan and Associates, LLP**  
Certified Public Accountants

If, after full consideration and consultation with counsel if so desired, you agree that the foregoing terms shall govern this engagement, please sign the copy of this letter in the space provided and return the signed letter to me at [info@cnallp.com](mailto:info@cnallp.com), keeping a fully-executed copy for your records.

We appreciate the opportunity to be of service look forward to working with you.

Very truly yours,

Khoa (Paul) Pham, CPA, Partner  
Chavan & Associates, LLP

**RESPONSE:**

This letter correctly sets forth the understanding of City of Del Rey Oaks.

Signature:

Title:

Date:





**Chavan and Associates, LLP**  
Certified Public Accountants

March 18, 2024

City of Del Rey Oaks  
650 Canyon Del Rey Rd.  
Del Rey Oaks, CA 93940

We are pleased to confirm our understanding of the services we are to provide for the City of Del Rey Oaks (the “City”) for the fiscal years ending June 30, 2024, 2025 and 2026. We will audit the Measure X financial statements of the City and the related notes to the financial statements for each fiscal year, as required by the Transportation Agency for Monterey County’s (TAMC) Ordinance No. 2016-01 and the Measure X Master Programs Funding Agreement between TAMC and the City. Our audit will be conducted with the objective of expressing an opinion on each opinion unit of the City’s Measure X financial statements. In connection with our audit, we will also provide a compliance audit and report on the requirements noted TAMC Ordinance No. 2016-01 and in the Measure X Master Programs Funding Agreement as of June 30, 2024, 2025 and 2026.

### **Supplementary Information**

Supplementary information will accompany the financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with U.S. GAAS.

We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Statement of revenues, expenditures and changes in fund balance – budget and actual.

### **Audit of the Financial Statements**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America (GAGAS). Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.



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An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Our responsibility as auditors is, of course, limited to the period(s) covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the Measure X financial statements. Our report will be addressed to the governing body of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.



### **Management's Responsibilities**

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements referred to above in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
3. For the design, implementation, and maintenance of internal control over compliance;
4. For identifying and ensuring that the City complies with laws, regulations, grants, and contracts applicable to its activities and implementing systems designed to achieve compliance with applicable laws, regulations, grants, and contracts applicable to activities;
5. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
6. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
7. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
8. For submitting the reports issued to the appropriate parties;
9. For making the auditor aware of any significant vendor / contractor relationships where the vendor / contractor is responsible for program compliance;
10. To provide us with:
  - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to Measure X program, such as records, documentation, and other matters;
  - b. Additional information that we may request from management for the purpose of the audit; and
  - c. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
11. For including the auditor's report in any document containing financial statements that indicates that such basic financial statements have been audited by the City's auditor;
12. For identifying and ensuring that the City complies with the laws and regulations applicable to its activities;
13. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;



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14. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
15. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets; and
16. For informing us of any known or suspected fraud affecting the City involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials;
17. For the accuracy and completeness of all information provided; and
18. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding the supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our reports thereon.

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

#### **Audit Administration and Fees**

Our all-inclusive maximum fee for these services will be as follows:

Fiscal year ending June 30, 2024	\$3,675
Fiscal year ending June 30, 2025	\$3,675
Fiscal year ending June 30, 2026	\$3,675

Our fees include out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.).



**Chavan and Associates, LLP**  
Certified Public Accountants

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit as follows:

Engagement Partner	\$400 per hour
Associate Partner	\$350 per hour
Manager	\$200 per hour
Senior Auditor	\$150 per hour
Staff Auditor	\$125 per hour
Administrative	\$100 per hour

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes thirty days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report.

You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If cooperation is not provided as anticipated and at a level that hinders the progress of the services to be provided, we retain the right to terminate the contract for cause with thirty (30) days' notice. During that time, the City will have the opportunity to provide the cooperation required to complete the audit and C&A may rescind the cancellation.

If the services to be performed by C&A are not performed in an acceptable manner to the City, the City may cancel this contract for cause by providing notice to C&A, giving at least thirty (30) days' notice of the proposed cancellation and the reasons for same. During that time period, C&A may seek to bring the performance of services to a level that is acceptable to the City, and the City may rescind the cancellation if such action is in City's best interest. Notwithstanding the above provisions, the City may, upon the expiration of thirty (30) days written notice to C&A, terminate the agreement at will. Payment for services or goods received prior to termination shall be made by the City provided those goods or services were provided in a manner acceptable to the City. Payment for those goods and services shall not be unreasonably withheld.

**Khoa (Paul) Pham, CPA**, is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Chavan & Associates LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

### **Other Matters**

The audit documentation for this engagement is the property of Chavan & Associates LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to state and federal agencies and the U.S. Government Accountability



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Certified Public Accountants

Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Chavan & Associates LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report.

We will be available during the year to consult with you on financial management and accounting matters of a routine nature. You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

With respect to any nonattest services we perform, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Nonattest services include the preparation of the audited Measure X financial statements, note disclosures, and supplemental information (as noted above). These items will be prepared from information prepared and provided by the City during our audit, such as the City's trial balance.

We will not assume management responsibilities on behalf of the City. However, we will provide advice and recommendations to assist management in performing its responsibilities.

Our responsibilities and limitations of the engagement are as follows:

- We will perform the services in accordance with applicable professional standards, including GAAS and GAGAS, as previously noted.
- This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm will advise the City with regard the nonattest services provided, but the City must make all decisions with regard to those matters.

*Government Auditing Standards* require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.





**Chavan and Associates, LLP**  
Certified Public Accountants

At the conclusion of our audit engagement, we will communicate to management and the Council the following significant items from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, a copy of our latest external peer review report of our firm is available upon request or on our website.

If the foregoing is in accordance with your understanding, please indicate your agreement by signing this letter and emailing it to us at [info@cnallp.com](mailto:info@cnallp.com). If you have any questions, please let us know.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Very truly yours,

Khoa (Paul) Pham, CPA, Partner  
Chavan & Associates, LLP



Chavan and Associates, LLP  
Certified Public Accountants

RESPONSE:

This letter correctly sets forth the understanding of the City of Del Rey Oaks.

Signature:

Title:

Date:





# CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 FAX (831) 394-6421

**DATE:** March 20, 2024  
**TO:** City Council  
John Guertin, City Manager  
**FROM:** Denise Duffy and Troy Lawson DD&A, Planning Consultants  
**SUBJECT:** 6th Cycle Housing Element Update

## **City of Del Rey Oaks 6<sup>th</sup> Cycle Background.**

The Regional Housing Needs Allocation (RHNA) for the 6<sup>th</sup> Cycle was confirmed in October 2022. RHNA is mandated by state law and quantifies needed housing within each jurisdiction during the specified planning periods or cycles. On December 13, 2023, the City Council adopted the City's 6<sup>th</sup> Cycle Housing Element Update (Resolution No. 2023-21). On December 14, 2023, the adopted 6<sup>th</sup> Cycle Housing Element Update was submitted to the California Department of Housing and Community Development (HCD) for review and consideration.

## **Housing Element Contents**

Key components of the housing element are set forth under State law (California Government Code Sec. 65583 et seq) and related land use regulations related to housing through the Department of Housing and Community Development (HCD). The adopted 6<sup>th</sup> Cycle Housing Element includes the following required components:

1. **Background Information:** A housing needs assessment which identifies and analyzes the existing and projected housing needs within the City by examining demographic, employment, and housing trends and conditions, with attention paid to special housing needs (e.g., seniors, large families, persons with disabilities).
2. **Constraints on Housing Analysis:** An analysis of existing and potential governmental and nongovernmental barriers to housing development.
3. **Housing Resources:** An inventory of resources relevant to meeting the City's housing needs, including a sites inventory for available land to accommodate the RHNA.
4. **Housing Plan:** A statement of goals, policies, quantifiable objectives, and financial resources available for the preservation, improvement, and development of housing.
5. **Evaluation of Past Performance:** Review of the previous Housing Element to measure progress and effectiveness of housing and outreach policies and programs.
6. **Public Participation:** Public outreach and community engagement program, to include all economic segments of the community including any underrepresented groups.

7. Sites Inventory: Identify locations of available sites to ensure there is enough land zoned for housing to meet the future need at all income levels.
8. Affirmative Further Fair Housing (AFFH): Assembly Bill 686 was passed in 2018 as the statewide framework to affirmatively further fair housing (AFFH) to promote inclusive communities, further housing choice, and address racial and economic disparities through government programs, policies, and operations.

### **Background on Draft 6<sup>th</sup> Cycle Housing Element Update Process 2023**

In May, 2023, after public hearings and workshops, the City published the local review or Public Review Draft 6th Cycle Housing Element Update for a 30-day review period. After the close of the 30-day review period on June 26, 2023, comments were published and presented to the City Planning Commission and City Council in July and August hearings. Changes to the May Local Review Draft 6<sup>th</sup> Cycle Housing Element Update were considered and revisions to the 6th Cycle Housing Element and programs presented. The HCD Review Draft of the 6<sup>th</sup> Cycle Housing Element was submitted to HCD for their required 90-day review in July, 2023. The City also posted this HCD Review Draft 6<sup>th</sup> Cycle Housing Element Update on the City's Housing Element webpage in compliance with AB 215. The HCD mandatory 90-day review of the 2023 Draft Housing Element July submittal concluded in October 2023. HCD review comments were received on October 18, 2023. The requested revisions from HCD on the draft were presented to the Planning Commission and City Council in public hearings held in November and December, 2023. At these hearings, Planning Commissioners, Council members and the community provided comments and questions related to the HCD comment letter and program revisions.

### **Adopted 6<sup>th</sup> Cycle Housing Element Update (December 2023)**

The statutory deadline for completing the update of the Housing Element for the 6<sup>th</sup> cycle planning period was December 15, 2023. As noted above, the City Council adopted the 6th Cycle Housing Element Update by resolution on December 13, 2023. The adoption was completed prior to the HCD statutory deadline for 6<sup>th</sup> cycle (December 15, 2024), and submitted to HCD on December 14, 2023. The City also complied with AB 215 requirements prior to submittal of the adopted Housing Element. Per HCD requirements, HCD conducted the mandatory HCD 60- day review period.

Documentation on previous drafts, HCD letters, public comment letters and the current December 2023 adopted housing element can be found on the City's website:

<https://www.delreyoaks.org/cityhall/page/del-rey-oaks-housing-element>

### **HCD Review Comments, February 2024**

HCD concluded their review of the adopted Housing Element and submitted their comments to the City on February 12, 2024. On February 20, 2024, City staff and the consultant team met with HCD staff to discuss HCD review comments. The requested revisions from HCD on the Housing Element are currently underway. The HCD Review Letter on the City's 6th Cycle Housing Element December submittal is included as an attachment to this staff report.

**Discussion and Presentation**

City staff and consultant team met with HCD and reviewed HCD comments. The City and consultant team will meet again with HCD assigned staff in the next two weeks to discuss specific program revisions. In the meantime, the City is completing the revisions and program updates and addressing suggested amendments.

**Council Consideration**

- Receive presentation and conduct public hearing on review of HCD review comments and discuss HCD direction on program revisions.

**Next Steps:** Based upon HCD letter and information from City during discussion, the City and Consultant team will continue to update the 6<sup>th</sup> Cycle Housing Element programs and prepare track-change versions to present to the Planning Commission and City Council. The team will continue to work with HCD on revisions and meeting statutory requirements during review.

Revised programs will be discussed and presented to the Planning Commission at an upcoming meeting, and will also be presented to the City Council. Planning Commission and City Council meetings will be scheduled in April.

**Attachments**

1. Summary of Programs Identified in HCD Comment Letter
2. HCD Comment Letter - City of Del Rey Oaks' 6th Cycle (2023-2031) Adopted Housing Element February 12, 2024

### Attachment 1. Summary of Programs Identified in HCD Comment Letter

#### Summary of Programs Identified for Revisions HCD Letter March 21, 2024

HCD Letter Appendix Reference Pages	Key Programs Identified
HCD Reference A.3, Appendix, Page 2 RE: Shortfall of Sites, Program A.1	Program A.1 Accommodate the City's RHNA
HCD Reference A.3, Appendix, Page 2-3 RE: Water Capacity, Program C.4	Program C-4 Ensure the Availability of an Adequate Water Supply to Serve the Long-Term Housing Needs of the City
HCD Reference A.3, Appendix Page 3-4 Accessory Dwelling Units: Program C.2 Monitoring and ADU Ordinance	Program C.2 Encourage the Construction of Accessory Dwelling Units
HCD Reference A.3, Appendix Page 4 Emergency Shelters Program D.4	Program D.4 Support Programs to Reduce Homelessness
HCD Reference A.4, Appendix, Page 5 Land Use Controls RE: Program C.3, Mitigating Constraints (Parking)	Program C.3 Mitigating Constraints
HCD Reference B, B.1, B.2 and B.3, Appendix, Page 5 and 6 Housing Programs, Publicly Available Sites C.3, Mitigating Constraints	New Program Request to A.3 Environmental Constraints, and Developer
HCD Reference C, Appendix, Page 7	Program E.1 Assist in Rehabilitating Housing
HCD Reference C, Appendix, Page 7	Program E.2 Continue Code Enforcement

See following attached HCD Comment Letter

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



February 12, 2024

John Guertin, City Manager  
City of Del Rey Oaks  
650 Canyon Del Rey Blvd.  
Del Rey Oaks, CA 93940

Dear John Guertin:

**RE: City of Del Rey Oaks' 6th Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the City of Del Rey Oaks' (City) housing element adopted December 13, 2023 and received for review on December 14, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from the California Native Plant Society pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses some statutory requirements described in HCD's October 18, 2023 review; however, additional revisions are necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government does not adopt a compliant housing element within 120 days of the statutory deadline (December 15, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City does not adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly

available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Clare Blackwell, of our staff, at [Clare.Blackwell@hcd.ca.gov](mailto:Clare.Blackwell@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF DEL REY OAKS

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Local Data and Knowledge, and Other Relevant Factors: HCD's prior review found that the element should include local data, knowledge, and other relevant factors to better describe and analyze fair housing conditions throughout the City. The element was revised to state that there is no concentration of income types, race and ethnicity, or poverty within the jurisdiction, and there is no disparity in access to education, employment, transportation, or healthy environments (p. A-45). However, the element must also utilize local data and knowledge to better describe and analyze any concentrations of disability, familial status, and disproportionate housing needs, such as cost burden and overcrowding. Please refer to HCD's October 18, 2023 review for additional information.

2. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Special Need Households: HCD's prior review found that the element must be revised to include an analysis of the existing needs and resources for each special need group. While the element was revised to include analysis for some special need groups, the element must still include an analysis of resources and proposed programs to address the magnitude of need for persons with disabilities, large households, extremely low-income (ELI) households, and farmworkers.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and*

*an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

**Parcel Listing:** HCD's prior review found that the element must identify the anticipated affordability level of the units for each site identified in the sites inventory. While the element was revised to include Table A-24, it must resolve discrepancies between anticipated affordability levels and total anticipated capacity for each site. In addition, the element should reconcile information relating to realistic site capacity and anticipated affordability throughout the element, including but not limited to Tables 3-4 (Site Inventory), 3-6 (Quantified Objectives), A-24 (Affirmatively Furthering Fair Housing (AFFH) Sites Inventory), and the electronic sites inventory.

**Shortfall of Sites:** The element inconsistently discusses whether the City has a shortfall of sites. For example, the element occasionally notes that the City addressed its unaccommodated need from the last planning period and therefore does not have a shortfall. However, the element still includes Program A-1 (Accommodate the City's regional housing need allocation (RHNA)) committing to rezoning sites pursuant to required shortfall requirements under Government Code section 65583.2, subdivisions (h) and (i). The element must reconcile this information and clearly discuss whether the City has addressed its unaccommodated need from the prior planning period and has sites with adequate zoning to address the 6<sup>th</sup> cycle RHNA. Based on a complete analysis, the element may need to include or modify programs as necessary.

#### Availability of Infrastructure:

- **Water Capacity** – HCD's prior review found that the element should clarify total water and sewer capacity for sites to accommodate the RHNA, including any potential limitations. While the element stated that the City reasonably assumes that it can accommodate residential units to meet RHNA from the Marina Coast Water District (MCWD) groundwater sources within the 6,160 residential unit limit, this statement seems to be largely based on a calculation of remaining capacity as of May 2019. The element should include an updated calculation of remaining capacity as of the start of the planning period. The element must also clarify whether there is sufficient water set-aside to accommodate the projected number of Accessory Dwelling Units (ADU).

In addition, while Program C.4 was revised committing to secure water entitlements for development on Former Fort Ord sites, the program should commit to additional actions to support water augmentation efforts with discrete timelines for implementation throughout the planning period. The program should also commit the City to annually monitor the availability and supply of water within the MCWD service district and commit to identifying alternative sites and rezoning within six months if the City is not on track to provide adequate water supply for the identified sites.

**Water and Sewer Access** – The element clearly states that the water and sewer utility lines will need to be extended to provide access to the RHNA sites. However, the element inconsistently discusses the timing of these infrastructure improvements. The element must demonstrate available or planned capacity and



access for water and sewer during the planning period. The element should be revised to discuss the timing and any potential constraints with the implementation of infrastructure extensions. Additionally, the element must include or modify programs with firm commitments, timelines, and milestones to completing these infrastructure improvements.

Environmental Constraints: The element was revised to clarify that there is adequate land without residential restrictions on Site 1 to accommodate the RHNA. However, the element should discuss any additional steps needed to initiate development in these areas including whether Department of Toxic Substances Control (DTSC) approval and other mitigation efforts are needed. Based on a complete analysis, the element may need to include or modify programs to facilitating development on these sites such as assisting developers and applicants in obtaining the appropriate approvals. Additionally, the element was revised to include the Environmental Impact Report (EIR), which identified various mitigation actions to address biological constraints and hazards on former Fort Ord sites. However, the element should include programs and commitments to supporting and implementing the mitigation measures as identified in the EIR.

Accessory Dwelling Units:

- *Incentives* – HCD’s prior review found that given the City’s reliance on ADUs to address the RHNA, the element must include strong policies that commit to facilitating and incentivizing ADUs including affordability. While the element included Program C.2 (Encourage the Construction of ADUs), which commits the city to waive or reduce development fees and expedite permit processing, the element generally does not address this requirement. For example, the program commits to “explore” the availability of standardized plans for ADUs; however, it should commit to more specific and measurable actions to provide pre-approved plans. Other strategies could include providing additional homeowner/applicant assistance tools, developing information packets to market ADU construction, pursuing funding opportunities, and targeted advertising of ADU development opportunities. In addition, programs for ADUs should be revised with quantified metrics that also target affordability.
- *Monitoring* – Lastly, as found in HCD’s prior review, the element must commit to monitoring ADU production and affordability throughout the course of the planning period and implement additional actions if the City is not meeting target numbers anticipated in the housing element. If necessary, additional actions, should be taken in a timely manner (e.g., within six months). The degree of additional actions should be in stride with the degree of the gap in production and affordability. While the element included Program C.2 (Encourage the Construction of ADUs) to monitor the production and affordability of ADUs, this program should specifically commit to identifying alternative sites and rezoning within six months if the City is not meeting the anticipated target numbers for their RHNA.
- *ADU Ordinance* – While the element included a program committing to updating the City’s ADU ordinance to be compliant with state law, the program must be

revised with a timeline for implementation. Additionally, as found in HCD's prior review, the element must commit to revising the ordinance to allow ADUs in all zones that allow residential including nonresidential zones e.g., mixed-uses and commercial.

Zoning for a Variety of Housing Types (Emergency Shelters): HCD's prior review found that the element must address all requirements under AB 2339 (2022). The element was revised to include a program committing to addressing all the requirements. However, the element must still provide an analysis of how the City addresses these requirements. This includes demonstrating the appropriateness of sites, zoning, and capacity to accommodate emergency shelters, as follows:

- *Zoning* – The element states that emergency shelters are permitted with in the C-1 zone but must still indicate whether the City permits emergency shelters without discretionary action and whether the C-1 zone allows for residential uses.
- *Capacity* – The element must analyze the available capacity in the C-1 zone to adequately accommodate the city's most recent point-in-time count. For example, the element should discuss available acreage in the C-1 zone, including typical parcel sizes and the presence of reuse opportunities.
- *Suitability* – The element must demonstrate the suitability of sites and the identified zone. For example, to demonstrate the suitability of sites, the element should address whether sites are vacant or nonvacant. If sites are generally nonvacant, the analysis must address the extent existing uses impede additional development. For example, to demonstrate the potential for redevelopment, the analysis could evaluate a sample of representative sites, the existing uses and reuse opportunities. To demonstrate the suitability of the zone, the element should discuss the type of services and transit available, general uses in this zone and any conditions inappropriate for human habitability.
- *Definition of Emergency Shelters* – For your information, AB 2339 (2022) expanded the definition of "emergency shelters" to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.

Based on a complete analysis, the element must add or modify programs to demonstrate compliance with these requirements.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls (Parking): The element indicates the City requires smaller bedroom units including studios and one-bedrooms to provide 1.75 spaces per unit and are required to have one garage space. HCD's prior review found that the element must reduce parking requirements and analyze the garage requirement. Additionally, based on a complete analysis, the element may need to include additional parking modifications. The element was revised to reduce the parking requirements for smaller bedroom units. Additionally, the element included an analysis of the garage requirements indicating that it can be a constraint on the development of multifamily housing. HCD generally finds garage requirements as a constraint to development. As such, the element should include or modify programs specifically committing to removing the garage requirements for multifamily development.

Local Processing and Permit Procedures: HCD's prior review found that the element must analyze the conditional use permit (CUP) requirement for multifamily housing in zones intended to permit multifamily housing. The element was revised to indicate that the City will include a program committing to updating the zoning code to remove the use permit requirements for uses that are already principally permitted (p. 4-9). While the element included Program C-3 (Mitigating Constraints) committing to a zoning code update, it must specifically commit to remove or replace the CUP requirement with a procedure that does not act as a constraint on housing.

## **B. Housing Programs**

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Publicly Identified Sites: HCD's prior review found that the element must include significant actions to facilitate and encourage development on City-Owned sites, including former Fort Ord Site. The element included a revised analysis indicating that the City released an request for proposal (RFP) and is still working to identify a developer. The element must include a schedule of actions to continue facilitating and incentivizing development on these sites. This includes a program with numerical

objectives including affordability that ensures compliance with the Surplus Land Act if applicable, provides incentives and actions along with a schedule to facilitate development of this site. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.

2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

The element was revised to include some general commitments to address housing for persons with special needs including assisting and support developers with funding applications and conducting broader outreach efforts. However, given the importance of farmworkers and the regional needs, the element must include significant actions to specifically address the needs of farmworkers that are responsive to the analysis. For example, the element could commit to proactive actions to coordinate with non-profit developers, employers, and other related organizations, to explore funding and incentives and to identify specific development opportunities. Other strategies could include developing informational materials on farmworker housing, pursuing funding, and providing technical assistance on funding applications.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

The element was revised with some additional actions to address AFFH. However, this generally does not address HCD's prior review. First, as noted in Finding A1, the element requires a complete AFFH analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues. Second, actions must be significant and meaningful enough to overcome identified patterns and trends. Third, actions must have specific commitment, metrics and milestones as appropriate. Given that most of the City is considered majority high resourced community, the element should focus on programs that promote housing mobility and encourage development of more housing choices and affordable housing throughout the community. Examples include promoting more housing choices

and affordability in lower-density areas (e.g., missing middle housing types), identifying additional multifamily areas, additional religious institutional sites, enhancing ADUs, junior accessory dwelling units (JADU) or additional conversion of existing space, home sharing strategies and city-wide affordable rental registry. Furthermore, all programs must include geographic targeting and metrics to target significant and meaningful outcomes in the planning period.

### C. Quantified Objectives

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

As noted in HCD's prior review, the element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element was revised to include Table 3-6, the table must still include objectives for ELI households. Additionally, HCD's prior review found that the element should include quantified objectives for rehabilitation and conservation across income categories. The element included rehabilitation objectives limited to ADUs. However, the element should increase objectives for rehabilitation and conservation beyond ADUs. For example, objectives could be increased by incorporating anticipated outcomes from the following programs: Program E.1 (Assist in Rehabilitating Housing) and Program E.2 (Continue Code Enforcement).



## Staff Report

**DATE:** March 26, 2024

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Appeal of Building Official Determination Regarding Square Footage Calculations at 121 Calle Del Oaks

**CEQA:** This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

### Recommendation

An appeal hearing for this issue was conducted on January 23, 2024. The hearing was continued to the next regularly scheduled City Council meeting on February 27, 2024. On February 27, at the request of the applicant, the Council continued the item to the March 26, 2024, City Council meeting.

### Summary & Discussion

#### Authority for Appeal

The California Building Code, at Section 1.8.8.1 provides, in relevant part, “[e]very city... shall establish a process to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing construction, use, maintenance and change of occupancy. The governing body of any city... may establish a local appeals board and a housing appeals board to serve this purpose.” And that, “[w]here no such appeals boards or agencies have been established, the governing body of the city... shall serve as the local appeals board...”

#### Factual and Procedural Background

In May of 2023, the new owners (Owner) of 121 Calle Del Oaks (Property) applied for a business license from the City to operate an automotive restoration facility. Shortly thereafter, the Owner submitted plans to modify the existing structure at the Property (Building).

On June 9, 2023, the City’s Building Official, Joe Headley, provided Plan Review Comments that included, in relevant part, a determination that the plans incorrectly stated the Building’s square footage. The June 9, 2023, Plan Review Comment document is attached hereto as Exhibit A.

Shortly thereafter, the Owner’s counsel submitted a letter, dated June 16, 2023, to the City arguing that Mr. Headley’s determination regarding the Building’s square footage was incorrect for a variety of reasons. The letter is attached hereto as Exhibit B.

In response, Mr. Headley issued another Plan Review Comment document dated July 11, 2023, which clarified and augmented the June 9, 2023 Plan Review Comment document. The July 11, 2023, Plan Review Comment document is attached hereto as Exhibit C.

Shortly thereafter, Mr. Headley and City Manager Guertin met with the City Attorney to discuss this matter. After the meeting, on July 13, 2023 the City Attorney sent Owner's counsel a letter outlining the reasons for the City's position on the matter, and why the City disputed the contentions made by the Owner's counsel. The July 13, 2023, City Attorney's letter is attached hereto as Exhibit D.

Thereafter, the Owner filed an appeal of Mr. Headley's determination.

### Appeal

In many jurisdictions, a separate hearing board is established to hear appeals of building decisions and interpretations. Here, the City has no such hearing board and therefore, as noted above, the Council is the appropriate body to hear this appeal.

This appeal hearing before the City Council is *de novo*, meaning the Council does not defer to Mr. Headley's determination. Rather, the Council must hear the Owner's appeal, the City's response, and consider the evidence presented by both parties at the hearing. From there, the Council has the authority to deny the appeal (and therefore uphold Mr. Headley's determination), or grant the appeal (and therefore reverse Mr. Headley's determination).

Whether the Council upholds the appeal or denies it, it must make specific findings on the record at the hearing to support its decision.

### **Fiscal Impacts**

There will be no direct financial impact as a result of this action.

### **ATTACHMENTS:**

- As noted.

Respectfully Submitted,

---

John Guertin  
City Manager

## Council Report from Vice Mayor John Uy March 26, 2024

### **I. Council Report: Speaker on the Women's Council of Realtors Panel Discussion on February 26, 2024**

I am delighted to share with you an insightful recap of my recent participation in the panel discussion organized by the Women's Council of Realtors at Laguna Seca Golf Ranch on February 26, 2024. It was truly an honor to represent our beautiful city as one of the speakers at the panel discussion alongside esteemed colleagues from neighboring municipalities, Councilmember Ed Smith from Monterey, Councilmember Alex Miller from Seaside, and Planning Manager Grant Leonard from Salinas. Together, we engaged in constructive dialogue addressing pertinent issues and charting a course toward a brighter future for our communities. I had the privilege to address pressing questions and share insights aimed at fostering positive change and progress.



#### **1. Housing Mandate Update for Del Rey Oaks:**

One of the pivotal points of discussion was our city's ongoing efforts to address housing needs as outlined in the Regional Housing Needs Assessment (RHNA). Del Rey Oaks continues to make significant strides in addressing our housing needs. We recently adopted the 6th Cycle Housing Element, marking a pivotal step forward in our commitment to providing housing opportunities



for all and underscoring our commitment to meeting state-certified housing requirements. Our Regional Housing Needs Assessment (RHNA) underscores the imperative to accommodate projected household growth, with an allocation of 184 units in this cycle alone. Through initiatives like the Accessory Dwelling Unit (ADU) ordinance adopted in 2021, we are fostering a supportive environment for ADU development, with the expectation of 20 new units over the planning period. Additionally, our engagement with the State Department of Housing and Community Development underscores our dedication to affirmatively furthering fair housing, ensuring equitable access to housing opportunities for all members of our community.



## 2. City Priorities and Challenges for 2024:

As we embark on a new year filled with promise and opportunity, our city's priorities remain steadfastly focused on fostering sustainable development, enhancing infrastructure, and ensuring public safety. The development of Former Fort Ord Properties presents a unique opportunity to address housing, recreational, and environmental needs while bolstering our revenue streams. Addressing infrastructure requirements, including road repairs, wildfire fuels reduction, and stormwater system maintenance, is paramount to safeguarding the well-being of our residents and ensuring the resilience of our community. However, we acknowledge the challenges ahead, including the need to diversify revenue sources, retain talented staff, and

enhance municipal service delivery. Through collaborative efforts and strategic planning, we are confident in our ability to overcome these obstacles and emerge stronger than ever.

### 3. ADUs and Lot Splits Summary Discussion:



During the panel discussion, we provided a comprehensive overview of Accessory Dwelling Units (ADUs) and lot splits in Del Rey Oaks. The development of Accessory Dwelling Units (ADUs) remains a key focus area for Del Rey Oaks, with recent milestones indicating progress towards facilitating ADU production. While challenges such as water availability persist, ongoing initiatives such as the Pure Water Monterey (PWM) Groundwater Replenishment Expansion Project and the Monterey Peninsula Water Supply Project (MPWSP) offer hope for future expansion and water availability. Since 2020, we have issued permits for 12 ADUs, with plans to further incentivize ADU production through fee waivers and expedited processing. Additionally, Senate Bill 9

presents opportunities for housing development through lot splits, although interest in this option within our community remains limited at present.

### 4. Rental Registry Considerations:

During the panel discussion, I was also asked whether we are considering the implementation of a Rental Registry similar to those in Salinas and Monterey. I responded that approximately 75% of residences in Del Rey Oaks are owner-occupied. Despite our city's limited rental availability, we remain focused on uplifting our community and prioritizing initiatives that align with our current resources and priorities. At present, implementing a rental registry may not be at the forefront of our agenda, especially considering our modest city revenues. We continue to explore avenues to enhance our city's vibrancy and support our residents in meaningful ways.

In conclusion, I am deeply grateful for the opportunity to represent Del Rey Oaks and engage in positive and meaningful dialogue with stakeholders from across our region here in Monterey County. Together, we are laying the groundwork for a vibrant and inclusive community where



all residents can thrive. As we navigate the opportunities and challenges that lie ahead, let us remain steadfast in our commitment to building a better future for generations to come.



## **II. Council Report: Regular Meeting of the DRO City Council on February 27, 2024**

I am honored to present to you a report on our recent Regular City Council Meeting held on February 27, 2024. This meeting was a testament to our commitment to transparency, progress, and the well-being of our community. Throughout the evening, we discussed and made decisions on various important matters that will shape the future of our city.

During the meeting, we had the opportunity to review and approve the January 2024 Financial Reports. These reports provided us with a comprehensive overview of the City's financial performance and position. I am pleased to report that our city continues to maintain a healthy cash balance, with \$13,283,543 in funds invested, of which \$4,609,544 are unrestricted. This financial stability allows us to continue providing essential services and investing in the betterment of our community.

Furthermore, we discussed and approved the Mid-Year FY 2023-24 Budget Recommendations. These recommendations ensure that our budget aligns with the current needs and demands of our community. We strive to maintain transparency and fairness in our fee structure, and these budget adjustments reflect our commitment to responsible financial management.

Another significant topic of discussion was the proposal to place a measure on the November 2024 General Election Ballot to increase the City's Transient Occupancy Tax. The City Council provided guidance to City Hall Staff about this, and staff will come back with a more definite proposal. If approved, this measure will provide additional revenue for our city and enable us to invest in vital infrastructure projects and community programs. We encourage all citizens to stay informed about this measure and participate in the upcoming election. I firmly believe that this proposal aligns with our commitment to creating a thriving and sustainable community. It is an opportunity for us to strengthen our financial foundation, enabling us to meet the evolving needs of our residents and maintain the high quality of life we cherish.

In addition to these important matters, we also took the time to recognize and celebrate Black History Month. Mayor Scott Donaldson proclaimed February 2024 as Black History Month, emphasizing our commitment to diversity, equity, inclusion, and mutual respect. We urge all citizens to celebrate our diverse heritage and culture and continue our efforts to create a world that is more just, peaceful, and prosperous for all.

As a person of color and a council member, I am deeply moved by this recognition of Black History Month. It is a time for us to reflect on the remarkable contributions and achievements of African Americans throughout our nation's history. It is a time to honor the resilience, strength, and unwavering spirit of those who have fought against prejudice and injustice to build lives of dignity and opportunity.

Black History Month is not only a celebration of the past, but also a call to action for the future. It reminds us of the ongoing need to combat racism and work towards a society that upholds the ideals of freedom, equality, and justice for all. It is a reminder that our diversity is our

strength, and that by embracing our differences, we can create a world that is more just, peaceful, and prosperous for everyone.

In Del Rey Oaks, we are committed to fostering a community that values diversity, equity, and inclusion. We recognize that our collective success depends on our ability to come together, listen to one another, and learn from each other's experiences. By celebrating Black History Month, we are taking a step towards building a more inclusive and understanding community.

Thank you, Mayor Donaldson, for this proclamation, and thank you to my fellow council members and the residents of Del Rey Oaks for your commitment to diversity and unity. Together, let us celebrate our diverse heritage and culture, and continue our efforts to build a community that embraces and uplifts every individual.

#### Approve First Reading of Ordinance Regulation Smoking in Multi-Unit Residences

I am deeply committed to advocating for safe and healthy living for all our residents. With this agenda item, I believe it is crucial to engage in a thoughtful and productive discussion about the Approval of the First Reading of the Ordinance regulating smoking in Multi-Unit Residences. This ordinance represents a significant step towards creating a safe and healthy living environment for all our residents.

I want to express my gratitude to our dedicated staff for their diligent work in developing this ordinance and providing us with valuable insights. Their commitment to the well-being of our community is truly commendable.

As we move forward with this ordinance, it is essential to remember that our primary goal is to protect the health and safety of our residents. By regulating smoking in multi-unit residences, we are taking proactive measures to reduce exposure to secondhand smoke and create a healthier living environment for everyone.

I encourage all of us to embrace this ordinance as an opportunity to foster a culture of respect, consideration, and well-being within our community. Let us engage in open and constructive conversations with our neighbors, landlords, and property owners to ensure a smooth transition and understanding of the new regulations.

Together, we can create a community where everyone feels safe, valued, and empowered to lead healthy lives. Let us continue to work hand in hand, supporting one another in our shared commitment to safe and healthy living.

Thank you for your dedication to the well-being of our community, and let us move forward with confidence and compassion.

### III. Council Report: Primary Election Day on March 5, 2024

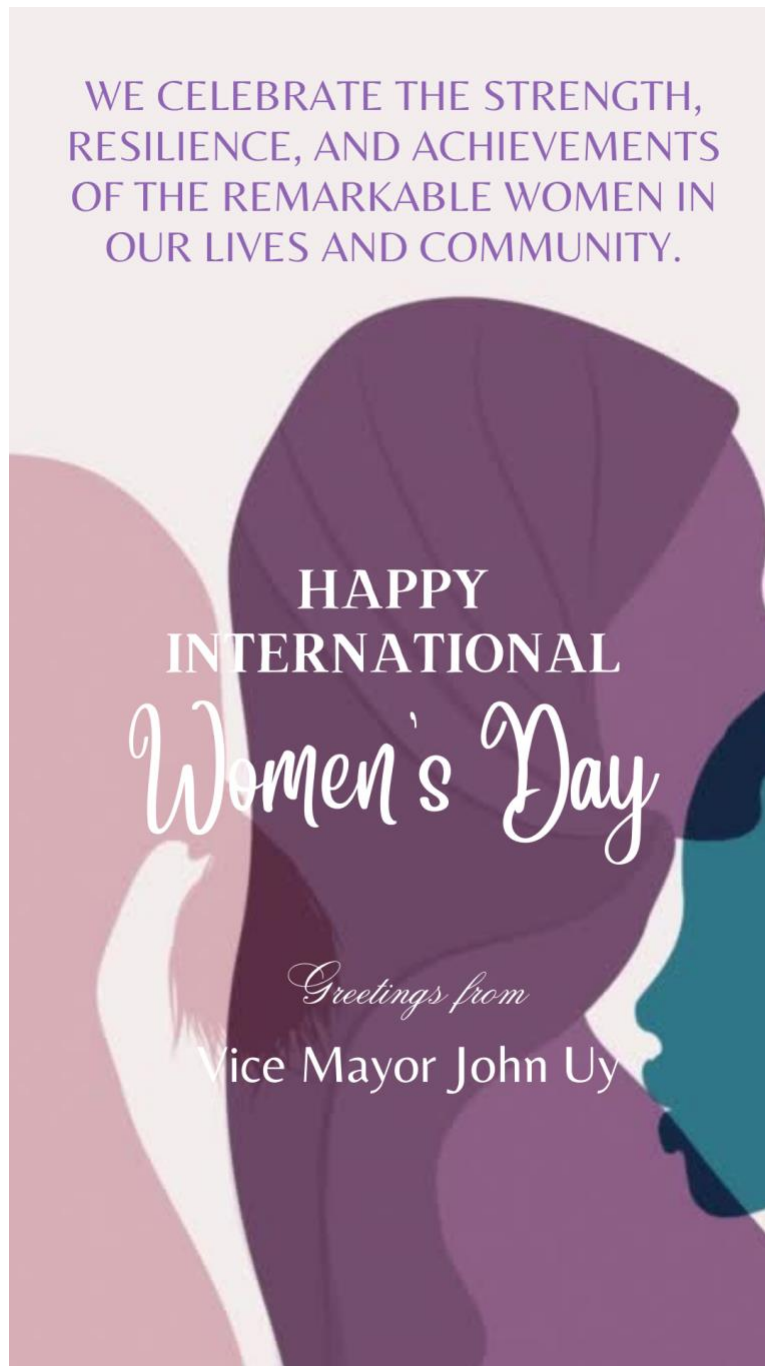


The act of voting is not merely a civic obligation; it is a sacred trust, a solemn pact between the governed and their representatives. It is a manifestation of our shared commitment to the principles of democracy—equality, justice, and liberty for all. In casting our ballot, every citizen becomes an architect of our collective destiny, contributing to the vibrant tapestry of our country's governance.

I wish to extend a heartfelt message to my friends and neighbors: I implore you to exercise your right to vote in every election. Your voice matters, and your participation is vital to the health and vitality of our democracy. Let us stand together as engaged and responsible citizens, united in our commitment to building a better future for all.



**IV. Council Report: Heartfelt Message of Vice Mayor John Uy for International Women's Day last March 8, 2024**



On this day, as we mark International Women's Day, I am filled with an immense sense of pride and gratitude for the incredible women who shape our lives and community. From leaders in business and education to caregivers, artists, activists, and beyond, our community is enriched by the strength, resilience, and compassion of women from all walks of life.

To all the daughters, mothers, sisters, friends, and mentors who inspire us every day, thank you. Thank you for your unwavering dedication to making our world a better place, for your tireless efforts in lifting each other up, and for the invaluable contributions you make to every aspect of our community.

Today, let's not only celebrate the achievements and progress we've made but also recommit ourselves to the ongoing work of gender equality and empowerment. Together, let's continue to break down barriers, challenge stereotypes, and create a future where every woman and girl can thrive and fulfill her dreams.

To all the women of Del Rey Oaks and in the world, know that you are cherished, respected, and admired. Your voices matter, your stories inspire, and your presence makes our community stronger.

Happy International Women's Day! Let's continue to shine brightly today and every day.

**V. Council Report: Seaside County Sanitation District Board of Directors Meeting – March 12, 2024**



During the Seaside County Sanitation District meeting on March 12, 2024, the Board of Directors and District Staff came together to discuss important matters and make decisions that will positively impact our community. The meeting began with a warm welcome and roll call, ensuring that all members were present and ready to contribute.

One of the highlights of the meeting was the review of the agenda, where the Board had the opportunity to add any additional items that arose after the posting deadline. This demonstrated their commitment to transparency and ensuring that all important matters were addressed.

The public comment period provided an inspiring moment, as members of the public were given the opportunity to voice their concerns and opinions on matters within the jurisdiction of the Board. This open dialogue fosters a sense of community and allows for diverse perspectives to be heard.

The consent agenda included the acceptance of the Seaside County Sanitation District Operations Report for February 2024. This report showcased the hard work and dedication of the District Staff in maintaining the sanitation operations in our community. It is truly inspiring to see the commitment to excellence and the continuous efforts to ensure a clean and healthy environment for all residents.

Another significant item on the agenda was the approval of the January and February 2024 expenditure report. The Board's careful consideration and approval of these expenditures demonstrate their commitment to responsible financial management and ensuring that resources are allocated effectively.

Overall, the meeting was a success, with the Board and District Staff working together to address important matters and make decisions that will benefit our community. Their dedication and commitment to excellence are truly inspiring, and I am proud to report on the progress made during this meeting.



## **VI. Council Report: AMBAG Board of Directors Meeting – March 13, 2024**



During my attendance at the AMBAG Board of Directors meeting on March 13, 2024, I was inspired by the dedication and commitment of the members to address the pressing issues facing our Monterey Bay Area community. The meeting showcased the collaborative efforts of various stakeholders to create a sustainable and inclusive future for our region.

One of the highlights of the meeting was the presentation on the Carbon Reduction Program (CRP) Draft project selection criteria. This program aims to reduce transportation emissions and combat climate change. It was heartening to see the AMBAG region receiving significant funding for this initiative, with a total of \$6.83 million allocated over five years. The draft project selection criteria, which includes alignment with the program's goals, project readiness, and regional significance, demonstrated a thoughtful and strategic approach to achieving tangible results.

Another notable update was the progress made in the development of the 2050 Metropolitan Transportation Plan/Sustainable Communities Strategy. This comprehensive plan aims to address the transportation needs of our growing region while promoting sustainable and equitable development. The inclusion of draft performance measures showcased AMBAG's commitment to data-driven decision-making and accountability. It was encouraging to witness the dedication of AMBAG staff in engaging with local jurisdictions and stakeholders to ensure the plan reflects the needs and aspirations of our community.

Furthermore, the discussion on the 2024 Title VI Program development process highlighted AMBAG's commitment to inclusivity and equitable public participation. The program aims to ensure that all community members, including Limited English Proficiency populations, have a voice in the decision-making process. The outlined timeline for public comment and engagement demonstrated AMBAG's dedication to transparency and collaboration.

Overall, my experience at the AMBAG Board of Directors meeting left me feeling inspired and hopeful for the future of our Monterey Bay Area. The commitment of the members, the progress made in addressing transportation emissions, and the emphasis on inclusivity and sustainability all contribute to a brighter and more prosperous future for our community. I am grateful to be a part of this collective effort and look forward to the positive impact we will make together.

**VII. Council Report: Heartfelt Message of Vice Mayor John Uy for St. Patrick's Day last March 17, 2024**



heart be light and your troubles few.

As we celebrate St. Patrick's Day, let us embrace the spirit of camaraderie and friendship that knows no bounds. Let's raise our glasses high and toast to the bonds that unite us, transcending distance and differences.

Wishing you all a St. Patrick's Day filled with joy, laughter, and the warmth of Irish hospitality. Sláinte! 🍀🌈

🍀 Happy St. Patrick's Day to all our friends and neighbors! 🍀

As we don our green attire and raise a toast to the Emerald Isle, let us take a moment to celebrate the spirit of the Irish and the rich traditions that unite us all.

St. Patrick's Day is more than just a day of revelry; it's a testament to the resilience, humor, and warmth of the Irish people. It's a time to honor our heritage and the contributions of the Irish community to our vibrant tapestry of cultures.

To our Irish friends near and far, may your day be touched with a bit of Irish luck, filled with laughter, and blessed with the company of cherished loved ones. May the road rise to meet you, may the wind be always at your back, and may your



**VII. Council Report: Heartfelt Message of Vice Mayor John Uy for the Persian New Year last March 19, 2024**



I am honored to extend my warmest wishes to our Persian community as you celebrate the joyous occasion of Nowruz.

Nowruz is not just a time for festivity; it's a celebration of renewal, hope, and the triumph of light over darkness. It symbolizes the beginning of spring, marking a season of rejuvenation and growth.

To our Persian friends and neighbors, may this New Year bring you abundant blessings, happiness, and prosperity. May your homes be filled with laughter, your hearts with love, and your tables with the warmth of cherished memories shared with family and friends.

In the spirit of Nowruz, let us all embrace the values of unity, compassion, and understanding that bind us together as a community. Let's celebrate our diversity and embrace the richness of our cultural heritage.

Wishing you all a Nowruz filled with joy, peace, and endless possibilities. Happy New Year!



## Kim Shirley's Council Report for Tuesday, March 26, 2024

**Tuesday, February 27th- City Council Meeting-** This month's council meeting began with a proclamation celebrating Black History Month, and then we quickly passed the Consent agenda items. Next, under "Old Business" we agreed to carry over the decision regarding the square footage of 121 Calle del Oaks that we discussed in January. We're hoping for a decision outside of council chambers, so we'll see if anything comes back to us in March (as I write this, I haven't received any additional information regarding the outcome). We had three items of "New Business" to cover. The first was an introduction to a new ordinance that bans smoking in 3 or more multiunit housing complexes. This ordinance was well supported by board members at The Oaks Condominiums and will certainly provide relief to those who may live near a smoker and feel trapped by the exposure of second-hand smoke. It was reported that one of the smokers at The Oaks was happy to hear about the ordinance as it would provide another good reason to quit! I'm so happy with this ordinance and look forward to its final approval at the March meeting. Many thanks to staff for putting this together and to Gonzalo Coronado at the County Health Department for his guidance and support. The residents of Del Rey Oaks will be healthier with this action!

Next, we discussed mid-year adjustments to the annual city budget. Only small edits were made, so there weren't any big discussions, but I was happy to find out we'll be getting those council chamber upgrades by the end of this fiscal year. During this discussion, I did make the point that since we haven't been able to do any strategic planning as a council, I believe it's important that we all come to budget discussions for next fiscal year with ideas for what we'd like to see done. The budget should reflect our values and the direction we'd like to see the city move, so I do hope that council members, and just as important—the residents, come prepared with comments and ideas for what they'd like to see in the next year for our city. We'll start budget discussions soon (look for the finance meetings which occur at noon on the second Friday of the month) and we'll adopt a final budget in June.

Lastly, we had an interesting discussion about the idea of putting a measure on the November ballot that would increase our Transient Occupancy Tax (TOT). TOT is the tax that people pay when they stay in a hotel or short-term rental. We obviously don't have any hotels, but our short-term rentals do bring in a surprising amount of revenue. Our current TOT is set at 10% and we discussed moving the TOT to 12% and then we went so far as to maybe even think about 15%. If this does make it to the ballot, we're going to have to be VERY clear about the type of tax this is (our residents will only benefit and it won't cost them anything!). In the end, we directed staff to talk to other local jurisdictions to see if anyone else was thinking about raising their TOTs. Our TOT is very similar to the rest at this point and it seems as though others haven't made adjustments in a while. We may start the discussion and then collectively cause others in the region to re-evaluate their

TOTs, too. Regardless, it looks like we're all in support of getting this on the November ballot.

And finally, the City Manager's report included the letter we received back from the State Housing and Community Development (HCD) telling us what we'll need to do to move towards compliance on our 6th cycle Housing Element. I know it will be a lot of work, but I think it was a shorter letter than was anticipated, so I look forward to digging into the details at future meetings.

**Thursday, February 29th- Seaside Community Services Building, Town Hall Meeting with Wendy Root-Askew-** I attended this meeting to learn more about the plans to tear down and build back up the new county building on the corner of Noche Buena and Broadway Avenue. Supervisor Root-Askew did a great job of bringing together representatives from all of the county agencies that will be included in this building. The main focus will continue to be on Social Services within the county, but the biggest move will be for the Seaside Library, which will move from its current location next to City Hall. District Attorney Jeannine Pacioni was also there to talk about the Family Justice Center that she'd like to incorporate into the building. She gave a fascinating example of how far a person would have to drive in our county if they were a parent and a victim of domestic violence. She estimates that they would have to drive over 250 miles with probably a dozen stops to get everything covered. The vision is to have everything located in this one building to prevent the extra stress of travel, making it much easier for those who need those services. Currently, the county only has funding for the planning stages, but that's a start! Plans and a vision are what they'll need for the next step in finding that funding.

**Saturday, March 2nd- Braver Angels Meeting-** This was our monthly meeting which brings together local Republicans, Democrats, and other party affiliates to share and learn about how we can connect and discuss our differences. This month there was a focus on getting in small groups to discuss what we feel are important local issues. Although we may have different solutions for these issues, it was clear that many agreed that affordable housing, lack of water, and homelessness were the topics that came up for many people. Although it's not always easy, I do appreciate the opportunity to listen to different voices which can break down stereotypes we have about "the other side." Just when you expect a certain view, someone surprises you with a view you hadn't expected. I will admit though—it's not all rainbows and unicorns, but I am finding it interesting to learn more about this process, especially with the big election year ahead. And with that in mind, I also signed up for a Braver Angels workshop entitled, "Skills for Disagreeing Better." I'll report back next month to let you know how it went!

**Monday, March 4th- Monterey High's MAOS Internship Night-** I was happy to be invited to volunteer during this special event when all of the MAOS high school seniors presented their internship projects to members of the community. As a volunteer, I was tasked with listening to the seniors talk about their projects and then interviewing them to learn more. I

loved seeing students in action and appreciated their ability to share what they worked on with such passion and enthusiasm as they talked about what they did, what they learned, and how they might apply those skills in the future. I spoke with students who shared experiences with editing the school newsletter, volunteering at the Monterey Bay Aquarium, and two students who completed a remotely operated vehicle (ROV) camp. I thoroughly enjoyed meeting these students and was happy to provide them all with written supportive comments at the end. I'm grateful that I was able to participate in such a fun event! Thank you, DRO resident, Ms. A for the invite!

**Wednesday, March 6th- Special Board of Directors Meeting: ReGen Workshop-** This half-day workshop was an excellent opportunity for both new and old board members to have a greater understanding of solid waste within the county while also drilling down into ReGen operation specifics that we generally aren't able to cover. Staff provided three presentations which were followed with discussions. The first was titled: "Solid Waste Landscape in Monterey County and Beyond." The second presentation was a deep dive into all of the departments at ReGen including their budgets, number of employees, and a description of what they do. The last presentation was a review of the current development plan for our land footprint and possible alternative plans for the future. Overall, we covered a ton of information that will be so important for all of the board members to know as we make decisions in the future. Some big takeaways for me include the need to continue our conversations around taking in solid waste from regional sources as opposed to only taking in waste from our member jurisdictions. Almost 50% of our solid waste comes from San Jose, which provides revenue to keep prices lower for our member jurisdictions. There's a line there in regards to maintaining the longevity of our landfill versus providing financial benefits to our members. That discussion is informed by the knowledge of all of our operations at ReGen as well as the awareness that in the next 10+ years we will have needed to make some decisions regarding the overall buildout of the landfill. We're lucky enough to have several different types of operations on our footprint (compositing, a truck yard for waste haulers, concrete recycling, sand processing, and a stormwater pond). These things will need to be moved as we prepare space for our future solid waste. As we make those decisions, those discussions will need to be made with board members who are well-informed of our regional/local solid waste needs, and who have an understanding of the diversity of our departments, combined with knowledge of our financial needs. These are extremely important decisions and I'm thankful that we've got a great staff who are taking the time to educate the board so that we can make good decisions for our future.

**Friday, March 8th- Del Rey Oaks Finance Meeting-** At this monthly meeting, we reviewed our financials from February which continue to be good news. The city does an excellent job limiting its spending and sticking to the budget, which will ultimately provide a surplus at the end of the year. The other item for this meeting was talking about a ballot initiative that the California League of Cities is pushing to have all cities oppose in the November election. This initiative, which is being billed as a "Taxpayer Protection" ballot

measure, is being pushed by large corporations but will have significantly detrimental effects on the way cities can charge for services. It's unusual for CalCities to do this type of advocating which is an indication of how financially devastating this could be for many cities. Governor Newsom has filed a legal challenge to this measure which argues that the changes are so significant that it amounts to a change in how the California Constitution structures government finance. It's expected that a court decision will come by the end of June before the final ballot is decided. After a brief discussion, we approved moving forward with a resolution to oppose this measure.

**Monday, March 11th- Monterey-Salinas Transit Board Administrative Performance Committee Meeting-** During this meeting we reviewed the monthly bus report and learned that we have 21 new coach operators going through training which is the largest class they've ever had! If all become certified, then we will have all of our positions filled for the first time in many years. Having these drivers will help us add to our better bus network and work towards more timely arrivals with more buses on the routes. We also received reports from our State and Federal lobbyists. It was good to be reminded that money from the federal Infrastructure bill remains untouched with the budget talks and will provide us with needed transportation funds. Lastly, we also reviewed MST's Investment Policy. No big changes, but it will be brought forward to the full board next month. MST spreads its investment money into three, safe areas which include CD's, LAIF (State pooled investment for public agencies), and US Treasury Bills.

**Monday, March 11th- Monterey-Salinas Transit Board Meeting-** Please see the MST board highlights in our agenda packet. I will point out that I was very happy when our board voted to start including "non-profit human service agencies" in our 50% group discount for monthly bus passes which was caused by a request from Alliance on Aging. They have over 400 seniors who use bus passes every month, so I'm happy we're able to provide the discount for those on fixed incomes. On another request, we also voted to permanently continue issuing discounted bus passes for the School Bus Pass Program which will greatly benefit our local high school students. Good stuff!

**Wednesday, March 13th- Watermaster Technical Advisory Committee Meeting-** True to its name, these meetings are generally technical, and I always feel on the edge of understanding, but for some reason, I was the one who spoke the most in this Zoom meeting! First, when we reviewed the reports from our staff on all of the local water meetings he had attended, I made a pitch that I'd like to have the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) present at our next Watermaster mtg. Our basin "leaks" into their basin and I think we all need to be talking more as a collective. Right now, SVBGSA is working towards a plan to deal with seawater intrusion. They are in the early stages but it would be good to see if we're able to play any part in the plan to protect their basin.



The other big topic was talking about suggested ways to determine if the slightly higher conductivity levels in one of our wells might be an indicator of seawater intrusion. There isn't an eminent concern but we talked about all the sources of data which can help us make some determinations. We also talked about getting a cost for updating our Seawater Intrusion Response Plan, which provides the triggers for action. I was in support of all of the suggestions for addressing this increase in conductivity.

Lastly, we talked about whether we'd want to not have a presentation on our annual Seawater Intrusion Report and have the report placed on the website instead which would reduce the need for a couple of additional meetings. I pushed back on that idea since I think it's important that we collectively discuss that report and are able to talk to the consultants while we do it. I don't mind suffering through a couple of extra meetings in the name of greater knowledge, transparency, and information accessibility. Others agreed and we decided to stick with our original plan for presenting the report to both the Technical Advisory Committee and the Watermaster Board.

City Council report for Bill Ragsdale-Cronin

3/20/24

Attended monthly directors meeting for M1W, discussed moving the monthly billing to the property tax bill, ultimately decided to not do an “opt-out” program, and directed staff to proceed with getting things ready for the move. Each member entity will have to agree to move their monthly fees to the tax bill as well. M1W is reaching out to member entities to assist if needed. Provided feedback to the Board Chair requesting committee assignments, requested Budget and Personnel and Special Projects.

Was appointed to be on the ad-hoc committee to work with Regen on a power sharing project.

Attended the City budget meeting, things are looking good as we are over on anticipated revenues, and under on budgeted expenditures. Great job Everyone.

Del Rey Oaks City Council's Representative to the  
Monterey County Mosquito Abatement District (MCMAD) Board of Trustees

Report: Mar 2024

The MCMAD met at Noon on March 12, 2024. (See attached March Agenda)

The meeting was held at 926 E. Blanco Road in Salinas

The minutes of the February 2024 meeting were approved (attached).

The board approved the draft succession plan for the district, with the addition of an "emergency back-up" section to the plan.

The board is still reviewing investments options.

The board approved the policy change concerning substance abuse, with the addition of a paragraph addressing those employees with (drone) pilots licenses.

The board reviewed and discussed the initial draft 24-25 fiscal year annual budget. Questions were asked and feedback was given. The budget committee will be meeting, and then brief the board of trustees at the April meeting.

Monthly Operations Report:

- a. With the recent rains, ponds and other locations are filling with water. Both the Frog Pond and Laguna Seca are full. At this time, with the recent rains, most of the water is flowing, thus not prone to mosquito larvae breeding at this time.
- b. The team viewed mosquito the fish breeding program at another, large agency and came back with some ideas to expand the MCMAD's program.

Monthly Administrative Report:

- a. The district is working to get on the "Public Access" TV channels.
- b. The district is evaluating its public media outreach, it appears that some outlets have not reached the intended audiences.
- c. It was announced that there are two open seats on LAFCO's board.
- d. The Chair of the MCMAD Board of Trustees, Jeff Cecilio, is the Secretary of the Monterey Special District Association.
- e. The new Administrative Assistant is Kelly Gutierrez (sp?): Moan Sloan will be retiring in April.
- f. The District passed its County Health Department inspection.
- g. The district provided a tour of the facilities to the Monterey County Environmental Health Department.
- h. The next meeting for the Monterey County Mosquito Abatement District Board of Trustees will be at Noon on April 9, 2024, at 926 East Blanco Rd, Salinas, CA 93901.



**862<sup>nd</sup> REGULAR MEETING**  
**OF THE**  
**BOARD OF TRUSTEES**  
926 East Blanco Road  
Salinas, CA. 93901

Item A.

**March 12, 2024**

**~AGENDA~**

**12:00 P.M. Noon**

926 East Blanco Road

Salinas, CA 93901

(831) 422-6438 p

Office Hours:  
Monday – Friday  
8 a.m. – 4:30 p.m.

Jeff Cecilio  
Board Chair  
County at Large

Don Cranford  
Vice Chair  
County at Large

Nancy Amadeo  
Secretary  
City of Marina

Ian Oglesby  
Trustee  
City of Seaside

Ray Coopersmith  
Trustee  
County at Large

Mary Ann Carbone  
Trustee  
City of Sand City

Louise Goetzelt  
Trustee  
City of Del Rey Oaks

Jim Tashiro  
Trustee  
City of Salinas

Jeff Glass  
Trustee  
City of Monterey

*We strive to host inclusive, accessible meetings that enable all individuals, including individuals with disabilities, to engage fully. To request an accommodation or for inquiries about accessibility, please contact the District.*

**1. CALL TO ORDER:**

**2. AGENDA MANAGEMENT:**

**3. ROLL CALL – ESTABLISHMENT OF QUORUM:**

**4. PUBLIC INPUT: (Limited to 3 minutes)**

*The consent calendar includes routine items than can be approved with a single motion and vote. A member of the Board of Trustees may request that any item be pulled from the Consent Calendar for separate consideration*

**5. CONSENT CALENDAR:**

- A. APPROVAL OF THE MINUTES: February 2024**
- B. PAYROLL WARRANTS: February 2024 \$94,493.07**
- C. COMMERCIAL WARRANTS: February 2024 \$35,084.75**
- D. UMPQUA BANK: January 2024 \$2,659.85**
- E. TIME DISTRIBUTION: February 2024**
- F. BALANCE SHEET: February 2024**
- G. SCHEDULE OF EXPENDITURES: February 2024**

**6. BUSINESS ITEMS:**

- A. Approval of District's Succession Plan to be integrated with Strategic Plan**
- B. In response to AB 2188, approval to change policy #2190 Substance Abuse**
- C. First reading of the 24-25 fiscal year annual budget - Trustee Tashiro**

**7. MONTHLY TECHNICIAN REPORT: Tersa Soria, Mosquito Technician**

**8. MONTHLY ADMINISTRATIVE REPORT: Ken Klemme, District Manager**

**9. TRUSTEE COMMENTS:**

*Adjournment to: April 9, 2024*

**DRAFT MINUTES OF THE 861st REGULAR  
MEETING OF THE BOARD OF TRUSTEES OF THE  
MONTEREY COUNTY MOSQUITO ABATEMENT DISTRICT  
February 13, 2024**

A meeting of the Board of Trustees of the Monterey County Mosquito Abatement District was held on February 13, 2024, at the District Office in Salinas, California.

**MEMBERS PRESENT:**

Don Cranford, Vice Chair, County of Monterey  
Mary Ann Carbone, City of Sand City  
Jim Tashiro, City of Salinas  
Jeff Glass, City of Monterey  
Ian Oglesby, City of Seaside  
Louise Goetzelt, City of Del Rey Oaks  
Ray Coopersmith, County of Monterey

**STAFF PRESENT:**

Ken Klemme, District Manager  
Mona Sloan, Administrative Assistant  
Philip Maschmeyer, Operations Supervisor

**MEMBERS ABSENT:**

Nancy Amadeo, Secretary, City of Marina  
Jeff Cecilio, Chair, County of Monterey

**1. CALL TO ORDER:**

Board Vice Chair Don Cranford called the 861st Regular Meeting to order at 11:55AM

**2. ROLL CALL:**

Administrative Assistant Mona Sloan called roll; it was determined that a quorum was present

**3. PUBLIC COMMENTS:**

NONE

**4. CONSENT CALENDAR:**

- A. APPROVAL OF THE MINUTES: January 2024
- B. PAYROLL WARRANTS: January 2024 \$104,548.28
- C. COMMERCIAL WARRANTS: January 2024 \$36,748.28
- D. UMPQUA BANK: December 2023 \$4,687.34
- E. TIME DISTRIBUTION: January 2024
- F. BALANCE SHEET: January 2024
- G. SCHEDULE OF EXPENDITURES: January 2024
- H. FIRST QUARTER 2023 FINANCIAL STATEMENTS

With no further inquiries, **Trustee Goetzelt moved to approve the consent calendar as presented, Trustee Carbone seconded; the motion was passed unanimously.**

**5. BUSINESS ITEMS:**

**A. Approval of District's Succession Plan to be Integrated with Strategic Plan**

Manager Klemme presented the Succession Plan to the Board for approval. After discussion, it was agreed more information was needed and Klemme was directed to present a detailed update at the March Board meeting.

**B. Discussion of Investment Options for the District**

Manager Klemme researched several investment options and after input from the Board, it was suggested additional choices should be considered. Klemme will report back to the Board at the March Board meeting.

**C. In Response to AB 2188, Approval to Change Policy #2190 Substance Abuse**

Discussion was held regarding the change to Policy #2190. Trustees requested clarification regarding Federal requirements as it applies to our drone pilots. Manager Klemme will research and respond at the March Board meeting.

**D. In Response to SB 848, Approval to Change in Policy #2040 Leave time**

After discussion, **Trustee Goetzelt moved to approve the policy change as presented; Trustee Oglesby seconded; the motion passed unanimously.**

**E. Set Up Ad-Hoc Budget Committee for FY 2024-2025 Budget**

Trustees Cranford, Coopersmith & Tashiro volunteered for the Ad-Hoc Budget Committee for the upcoming fiscal year.

With no further discussion, **Trustee Goetzelt moved to approve the committee as presented; Trustee Glass seconded; the motion passed unanimously.**

**6. MONTHLY OPERATIONS REPORT: Philip Maschmeyer, Operations Supervisor**

Philip Maschmeyer briefed the Board on the District operations for the month of January. Although there were only (4) services requests, the season is just getting started and the heavy rains have produced a lot of mosquito larvae. In the Elkhorn area, we treated (32) different sources as well as (42) sources in Prunedale and (34) in Monterey and adjoining cities. Staff attended the Mosquito and Vector Control Association Conference (MVCAC) at the end of January as well as Farm Day in King City. On the social media front, we produced (3) videos with (2) uploaded to You Tube and (1) to Tic Tok. After taking care of a few equipment issues during our monthly building inspection we are geared up for a busy mosquito season.

**7. MONTHLY ADMINISTRATIVE REPORT: Ken Klemme, District Manager/Biologist**

Manager Klemme informed the Board that he has sent a letter to all City Clerks inquiring how we can get media access on public TV. All District Trustees have new email addresses that will be used moving forward. Klemme also stated that he will be attending the annual insurance workshop and Board meeting of the Vector Control Joint Powers Association (VCJPA) on February 29th – March 1<sup>st</sup> and will apprise the Board of the goals and objectives for the upcoming fiscal year.

**8. TRUSTEE COMMENTS:**

NONE

**9. ADJOURNMENT:**

***With no further inquiries, Board Vice Chair Cranford adjourned the meeting at 12:24 PM to the next regularly scheduled meeting on March 12, 2024 at noon.***

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Jeff Cecilio, Board Chair

**ATTEST:**

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Nancy Amadeo, Secretary



## **MST HIGHLIGHTS**

### **Board of Directors Meeting**

### **March 11, 2024**

#### **RECOGNIZED MARCH EMPLOYEE OF THE MONTH**

The MST Board adopted Resolution 2024-17 recognizing Steven Bruno, Purchasing Agent, as the March 2024 Employee of the Month for his outstanding contribution to MST and to the entire community.

#### **25 YEARS OF SERVICE**

The MST Board recognized Hector Martinez, Coach Operator for 25 years of service and his outstanding dedication and contribution to MST and to the entire community.

The MST Board also recognized Reymund Rivera, Coach Operator for 25 years of service and his outstanding dedication and contribution to MST and to the entire community.

#### **STAFF RECOGNITION OF COACH OPERATOR RECRUITMENT AND HIRING EFFORTS**

The MST Board recognized staff for their contributions to achieving the milestone of the largest single class of new Coach Operators in the history of MST who started on February 13, 2024.

#### **AUTHORIZED PURCHASE OF FOUR (4) FORD TRUCKS**

The MST Board authorized the General Manager/CEO to purchase four (4) Ford trucks at the lowest price/best options available at the time of purchase utilizing the CA Department of General Services Contract #1-22-23-20F in an amount not to exceed \$347,800.

#### **AUTHORIZED PURCHASE OF NINETEEN (19) BUS STOP SHELTERS**

The MST Board authorized the General Manager/CEO to purchase 19 bus stop shelters from Tolar Manufacturing at the lowest price/best options available at the time of purchase utilizing the Morongo Basin Transit Authority CalACT RFP Contract #21-01 in an amount not to exceed \$254,495.

#### **APPROVED MOBILITY ADVISORY COMMITTEE MEMBER APPOINTMENTS**

The MST Board appointed Aaron Hernandez, from the Transportation Agency for Monterey County and Reyna Gross from Alliance on Aging, as members of the Mobility Advisory Committee.



**APPROVED DISCOUNT FOR BUS PASSES FOR NON-PROFIT HUMAN SERVICES AGENCIES**

The MST Board approved the addition of non-profit human services entities eligible for discounted passes (50% off monthly GoPasses). The Board also approved providing a letter from MST to TAMC recommending TAMC consider funding transit bus passes for human services agencies and highlight the current and future demographic needs in Monterey County.

**RECEIVED UPDATE ON SURF! BUSWAY AND BUS RAPID TRANSIT PROJECT**

The MST Board received an update and highlights on the progress of the SURF! Busway and Bus Rapid Transit Project.

**RECEIVED UPDATE THE FIRST YEAR OF THE BETTER BUS NETWORK**

The MST Board received an update and key findings on the first year of the Better Bus Network.

**APPROVED EXTENSION OF THE SCHOOL BUS PASS PROGRAM**

The MST Board approved continuing to offer a discount on bus passes to eligible schools under MST's School Pass Program. A \$13 monthly pass will be sold to eligible participants for \$6.50 per pass and MST contributes \$6.50 per pass using general funds. Based on past demand from the schools, up to \$25,000 in MST funds would be needed for the remainder of FY2023-24. This amount is not included in the adopted MST operating budget but there is adequate reserve funding available to cover the cost. This option also directs staff to budget for the anticipated amount in future budgets.

**NEXT MST BOARD MEETING**

The next regular MST Board meeting is scheduled for April 15, 2024.

PO Box 179  
Pacific Grove, CA 93950-0179  
March 15, 2024

John Guertin  
City Manager of Del Rey Oaks  
650 Canyon Del Rey Blvd  
Del Rey Oaks, CA 93940-5505



Dear Mr. Guertin:

I served as the precinct election board inspector at the polling place at the Old Town Hall in Del Rey Oaks for the March 5 Presidential Primary election. I am writing this fan letter as a private individual and not as a representative of the Monterey County Elections Department.

I have worked at numerous other polling place locations, but this election was my first at the Old Town Hall. Part of the inspector's role is to coordinate set-up with a designated facility manager. The Elections Department identified Ron Fucci from Public Works as that person.

I gained a lot of confidence that everything would go smoothly as I work with Mr. Fucci. The Old Town Hall was always available when we needed it: site visit, early set-up, and election day. I felt a sense of calm when I arrived at the polling place at 6am on Tuesday because the lights were already on, the flag was up, and the door was unlocked.

For the facility itself, I appreciate that we had all the tables and chairs we needed. I had never spent time at this corner of Del Rey Oaks. In addition to serving the voters, it was charming to see all of the families who brought their children to use the playground equipment and all the dog owners who brought their pets for exercise in the dog park. The whole complex is an impressive city value.

Sincerely,

*Dennis Mar.*  
Dennis Mar

DennisRMar3@yahoo.com  
(831) 372-9388



## TRANSPORTATION AGENCY FOR MONTEREY COUNTY

[www.tamcmonterey.org](http://www.tamcmonterey.org)

### **HIGHLIGHTS**

**February 28, 2024**

#### **TAMC Board Approves City of Soledad's Participatory Budgeting Funding Request**

The Board of Directors of the Transportation Agency for Monterey County approved the City of Soledad's request to program Regional Surface Transportation Funds dedicated to the City's Participatory Budgeting process for the following four projects:

- Orchard Lane and Gabilan Drive Pedestrian Improvements in the amount of \$63,000;
- Main and Gabilan Drive Pedestrian Improvements in the amount of \$132,250;
- Benito and Gabilan Pedestrian Improvements in the amount of \$11,000; and
- Orchard Lane Pedestrian Improvements in the amount of \$23,000.

The Participatory Budgeting process is a component of the Salinas Valley Safe Routes to School Plan for all public K-12 schools in the cities of Gonzales, Soledad, Greenfield, and King City. Project prioritization is determined through a democratic process, called Participatory Budgeting, where community members vote to decide how public funds are spent in their cities.

The process is designed to fast-track funding and implementation of safe routes to school projects that are meaningful to community members. In October 2022, a Soledad Safe Routes to School Steering Committee was formed to assist in developing the process and engaging the greater community in identifying projects, creating a ballot and soliciting citywide votes to determine which projects to fund.

The Salinas Valley Safe Routes to School Plan is funded through a \$664,127 Caltrans Sustainable Transportation Planning Grant and \$126,501 of Measure X Safe Routes to School Program funds. The projects selected through the Participatory Budgeting process are funded by \$1 million (\$250,000 for four cities) in Regional Surface Transportation Program Reserve funds from the fiscal year 2020/21-2022/23 program cycle.

### **TAMC Board Directs Staff on Sand City Bike Trail and Parking Proposal**

The Transportation Agency's Board of Directors received a presentation on the Sand City bike trail and parking proposal from Zane Mortensen, the City's interim City Planner. The proposal seeks to create a one-mile segment of multi-use trail and parking in two areas within the TAMC-owned right-of-way. The proposal promises that the "proposed multi-use trail will take into consideration the future use of the TAMC corridor for rail and/or bus transit and would not obstruct any of the existing rail infrastructure" and would "minimize conflict with the existing property leases." After the presentation, the Board directed TAMC staff to coordinate with the City on considerations for a possible future use agreement for an alignment of a trail that avoids conflict with future mass transit users and for fair market value lease agreements for non-trail uses such as parking.

Sand City was awarded a Monterey Bay Air Resources District AB2766 Clean Vehicle Program grant totaling \$250,000 to support planning and design, including project oversight, environmental review, engineering, and conceptual design. Most of the Monterey Branch Line in Sand City's proposal is currently leased by TAMC to private businesses. Revenue from leases is used for trash and weed abatement along the length of the Monterey Branch Line right-of-way.

### **TAMC Board of Directors Hosts Unmet Transit Needs Public Hearing**

The Transportation Agency Board of Directors held a public hearing to receive comments to identify unmet transit needs in Monterey County.

In its role as the Transportation Development Act fund administrator, the Agency annually seeks public input to identify unmet transit needs in Monterey County. This unmet needs process is associated with the Local Transportation Fund, which is one of two designated funding sources for public transit created by the California Transportation Development Act.

The Agency solicits public input on unmet transit needs and places comments into the following categories:

1. Transit service improvement requests that would improve an existing service.
2. Transit service expansion requests that extend a transit route beyond its current limits and fill a gap in service.
3. Capital improvement projects that would enhance existing public transit facilities.

In addition to public testimony provided at the hearing, the Transportation Agency accepts comments throughout the year in writing, by email, through a questionnaire posted on the Agency website and through the Monterey-Salinas Transit Mobility Advisory Committee.

The Transportation Agency's deadline for accepting public comments and questionnaires for the consideration as part of the annual unmet transit needs process is April 30, 2024. Comments can be submitted at: <https://www.tamcmonterey.org/unmet-transit-needs>.

Staff will present the final list of comments to the TAMC Board, prior to allocating Local Transportation Funds in June.

## Monterey County Veterans Issues Advisory Committee ((VIAC)

### Report to the Del Rey Oaks City Council

*The Monterey County Veterans Issues Advisory Committee (VIAC), is part of the Military & Veterans Affairs Office (MVAO). VIAC meets the last Thursday of the month at the Veterans Transition Center (VTA) in Marina.*

*Approximately 10% of the overall population of Del Rey Oaks is either veterans or active duty military service members. This number increases significantly when spouses and dependents are factored in. VIAC is committed to the wellbeing and welfare of all who have answered the call to our nation's service. If any of you have questions about possible benefits, or have concerns related to your service, please don't hesitate to contact me through City Hall, or email me at [rlj.dro@gmail.com](mailto:rlj.dro@gmail.com).*

-Rick Johnson

**Date and location of Meeting February 22, 2024, Military & Veterans Affairs Office (MVAO)**

The following is an overview of issues reported to, and considered at, the February 22, 2024 meeting:

#### **Correspondence**

None reported

#### **Veterans Transition Center (VTC)**

- Lightfighter Village is on track to provide much needed housing for low and extremely-low income veterans, with a target date of January 2025.
- The VTC is planning to add additional housing units (ADU's), thus expanding housing space by 24 beds.
- The VTC will be hosting their Annual Gala at Pasadera on May 11<sup>th</sup>, and its July 4th benefit concert at Rancho Cielo.

### **Central Coast Veterans Cemetery**

- Grounds-keeping staff at the cemetery have removed all of the shrubbery that was home to rattlesnakes
- The cemetery administration passed the State Audit.

### **Cemetery Foundation**

- The Foundation's Appreciation Wall construction has begun!  
It is everyone's hope that it will be completed by Memorial Day.

### **Ord Military Community**

- Command Sergeant Major (CSM) Adam Bossart introduced himself and looks forward to being involved and supportive of the VIAC Committee.

### **Ft. Ord Retiree Council**

- The Retiree Appreciation Day is scheduled for the third Saturday in July.
- The Retiree Council met on February 1, 2024 at Stillwell Community Center
- The in-person meeting of the National Retired Soldiers Council will be in April from the 14th to the 19<sup>th</sup> at the Pentagon. Louise Goetzelt will be participating.
- The Army Retirement Service Officer Mark Overberg is retiring effective July 1, 2024
- A study on retiree suicide by the VA should be released soon
- Retiree issues that need to be addressed should be brought up before the November meeting

### **VA-DOD Clinic Update**

- The VA is working on tenant improvements at the clinic
- The handicap parking at the clinic has been reevaluated and improved
- A large medallion pedestal in the center of the roundabout honors the different branches of service

## Municipalities

- **City of Del Rey Oaks**  
The City is hiring a Deputy Permit Clerk. The posting is on the City website and on Indeed. The posting closes on March 15.
- **City of Monterey**  
The City Manager has been authorized to enter into a five year Partnership Intermediary Agreement with Naval Postgraduate School (NPS) Foundation. The focus will be technology opportunities transfer from NPS and Silicon Valley to the local community.
- Bill Reichmuth, former Deputy City Manager and Navy Veteran recently passed away, as well as former Mayor Peter Coniglio, who was also a Navy Veteran.
- Cities of Seaside and Marina had nothing to report at this time.

## Military & Veterans Affairs Office (MVAO)

- The MVAO Annual Activity Report was submitted, please see attached.
- Jack Murphy discussed the current budget climate and its impact on veteran services.
- MVAO, VTC and the City of Marina Foundation recently met with the Marina City Planner to discuss veteran priorities and the General Plan in regard to housing, healthcare and Former Fort Ord preservation issues.
- MVAO met with Monterey County HR representatives regarding initiatives for implementation of programs relating to Veteran Preference Policies, Military Leave Policy, the Department of Defense (DoD) Skillbridge Program and Operation Green Light.
- Explained joint work between MVAO and Senator Rubio's Office (Southern California)) to make changes to the Los Angeles Housing Authority rule on Area Median Income (AMI). The change would allow 100% Disabled Veterans housing vouchers. Note: Monterey County already has this program in place.
- Thanked the Committee for our support for the Mental Health Substance Abuse Prop 63 Grant.
- Monterey County is in the process of changing its domain names to .GOV.

**Note: The Heroes Open is scheduled for October 26, 2024**





County of Monterey  
Military & Veterans Affairs Office



Item E.





County of Monterey  
Military & Veterans Affairs Office



Item E.



## MILITARY & VETERANS AFFAIRS OFFICE

### MONTHLY ACTIVITY REPORT

# February 2024



**10**  
Outreach Events

**133**  
New Contacts



**434**  
Phone Calls

**297**  
Vet Rep Appointments

**396** Claims Actions

**211** Unique Veterans

**124** Compensation Awards



**1** College Fee Waiver valued **\$7,815**

### New Disability Compensation Awards



**\$220,855**  
Retroactive Payments

**\$41,774**  
Recurring Monthly Payments





### Customer Satisfaction Survey

## 80% Very Satisfied

[www.mvao.org](http://www.mvao.org) Serving those who served (831) 647-7613